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ONTARIO

REVISED STATUTES OF ONTARIO, 1970

BEING A

REVISION AND CONSOLIDATION OF THE PUBLIC GENERAL
ACTS OF THE LEGISLATURE OF ONTARIO, PUBLISHED
UNDER THE AUTHORITY OF THE STATUTES
REVISION ACT, 1968-69

IN SIX VOLUMES

VOL. 4

TORONTO

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REVISED STATUTES OF ONTARIO, 1970

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CHAPTER 296

The Negligence Act

1. In this Act,

Interpre-
tation

- (a) "action" includes a counterclaim;
- (b) "defendant" includes a plaintiff against whom a counterclaim is brought;
- (c) "plaintiff" includes a defendant who counter-claims. R.S.O. 1960, c. 261, s. 1.

2.—(1) Where damages have been caused or contributed to by the fault or neglect of two or more persons, the court shall determine the degree in which each of such persons is at fault or negligent, and, except as provided by subsections 2, 3 and 4, where two or more persons are found at fault or negligent, they are jointly and severally liable to the person suffering loss or damage for such fault or negligence, but as between themselves, in the absence of any contract express or implied, each is liable to make contribution and indemnify each other in the degree in which they are respectively found to be at fault or negligent. R.S.O. 1960, c. 261, s. 2 (1).

Extent of
liability,
remedy,
over

(2) In any action brought for any loss or damage resulting from bodily injury to, or the death of any person being carried in, or upon, or entering, or getting on to, or alighting from a motor vehicle other than a vehicle operated in the business of carrying passengers for compensation, and the owner or driver of the motor vehicle that the injured or deceased person was being carried in, or upon, or entering, or getting on to, or alighting from is one of the persons found to be at fault or negligent, no damages are, and no contribution or indemnity is, recoverable for the portion of the loss or damage caused by the fault or negligence of such owner or driver except, subject to subsection 4, where such portion of the loss or damage was caused by the gross negligence of the driver of the motor vehicle, and the portion of the loss or damage so caused by the fault or negligence of such owner or driver shall be determined although such owner or driver is not a party to the action. R.S.O. 1960, c. 261, s. 2 (2); 1966, c. 98, s. 1 (1).

Where
plaintiff is
passenger

(3) Subsection 2 applies to loss or damage resulting from bodily injury to or the death of any person caused by the gross negligence of a driver of a motor vehicle on or after the 1st day of January, 1967 and in the case of such loss or damage occurring before that date, subsection 2 of section 2 of The Negligence Act

Application
of subs 2.

being chapter 261 of the Revised Statutes of Ontario, 1960 applies. 1966, c. 98, s. 1 (2), *amended*.

Where plaintiff is spouse of negligent person

(4) In any action founded upon fault or negligence and brought for loss or damage resulting from bodily injury to, or the death of any married person where one of the persons found to be at fault or negligent is the spouse of such married person, no damages are, and no contribution or indemnity is recoverable for the portion of loss or damage caused by the fault or negligence of such spouse, and the portion of the loss or damage so caused by the fault or negligence of such spouse shall be determined although such spouse is not a party to the action. R.S.O. 1960, c. 261, s. 2 (3).

Recovery as between tortfeasors

3. A tortfeasor may recover contribution or indemnity from any other tortfeasor who is, or would if sued have been, liable in respect of the damage to any person suffering damage as a result of a tort by settling with the person suffering such damage, and thereafter commencing or continuing action against such other tortfeasor, in which event the tortfeasor settling the damage shall satisfy the court that the amount of the settlement was reasonable, and in the event that the court finds the amount of the settlement was excessive it may fix the amount at which the claim should have been settled. R.S.O. 1960, c. 261, s. 3.

Plaintiff guilty of contributory negligence

4. In any action for damages that is founded upon the fault or negligence of the defendant if fault or negligence is found on the part of the plaintiff that contributed to the damages, the court shall apportion the damages in proportion to the degree of fault or negligence found against the parties respectively. R.S.O. 1960, c. 261, s. 4.

Where parties to be deemed equally at fault

5. If it is not practicable to determine the respective degree of fault or negligence as between any parties to an action, such parties shall be deemed to be equally at fault or negligent. R.S.O. 1960, c. 261, s. 5.

Adding parties

6. Wherever it appears that a person not already a party to an action is or may be wholly or partly responsible for the damages claimed, such person may be added as a party defendant to the action upon such terms as are considered just or may be made a third party to the action in the manner prescribed by the rules of practice for adding third parties. R.S.O. 1960, c. 261, s. 6.

Jury to determine degrees of negligence of parties

7. In any action tried with a jury, the degree of fault or negligence of the respective parties is a question of fact for the jury. R.S.O. 1960, c. 261, s. 7.

When plaintiff may be liable for costs

8. Where the damages are occasioned by the fault or negligence of more than one party, the court has power to direct that

the plaintiff shall bear some portion of the costs if the circumstances render this just. R.S.O. 1960, c. 261, s. 8.

9. Where an action is commenced against a tortfeasor or where a tortfeasor settles with a person who has suffered damage as a result of a tort, within the period of limitation prescribed for the commencement of actions by any relevant statute, no proceedings for contribution or indemnity against another tortfeasor are defeated by the operation of any statute limiting the time for the commencement of action against such other tortfeasor provided,

Limitation
of actions

- (a) such proceedings are commenced within one year of the date of the judgment in the action or the settlement, as the case may be; and
 - (b) there has been compliance with any statute requiring notice of claim against such tortfeasor. R.S.O. 1960, c. 261, s. 9.
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CHAPTER 297

The Niagara Escarpment Protection Act

1. In this Act,Interpre-
tation

- (a) “Commissioner” means the Mining Commissioner appointed under *The Mining Act*;
- (b) “mine” means a mine as defined in *The Mining Act*;
- (c) “Minister” means the Minister of Mines and Northern Affairs;
- (d) “protected zone” means the lands to which this Act applies. 1970, c. 31, s. 1.

R.S.O. 1970,
c. 274

2. This Act applies to such lands in the geographic townships of Niagara, Stamford, Grantham, Thorold, Pelham, Louth, Clinton, North Grimsby, Saltfleet, Barton, Ancaster, Beverly, West Flamborough, East Flamborough, Nelson, Nassagaweya, Esquesing, Erin, Chinguacousy, Caledon, Albion, Mono, Adjala, Mulmur, Osprey, Nottawasaga, Collingwood, Artemesia, Euphrasia, St. Vincent, Holland, Sydenham, Derby, Keppel, Sarawak, Amabel, Albermarle, Eastnor, Lindsay and St. Edmunds as are designated by the regulations under this Act. 1970, c. 31, s. 2.

Application
of Act

3. No person shall open or operate a mine in the protected zone unless he is the holder of a permit issued by the Minister. 1970, c. 31, s. 3 (1).

Permit

4. An application for a permit shall be accompanied by a site plan that includes,

Site plan

- (a) the true shape, topography, contours, dimensions, acreage and location of the property owned or under lease and held for present or future pit or quarry operations;
- (b) the use or the proposed use of all land and the location and use or the proposed use of all buildings and structures lying within a distance of 500 feet of pit or quarry property boundaries;
- (c) the location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
- (d) existing and anticipated final grades of excavation, contours where necessary and excavation set backs;

- (e) drainage provisions;
- (f) all entrances and exits;
- (g) as far as possible, ultimate pit development, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, progressive and ultimate rehabilitation and, where possible, intended use of the land after the extractive operations have ceased; and
- (h) such other information as the Minister may require or as is prescribed by the regulations. 1970, c. 31, s. 4.

Refusal to
issue permit

5.—(1) The Minister may refuse to issue a permit where, in his opinion, the operation of the mine would be against the interest of the public in preserving the character of the formation that includes the Niagara escarpment and the availability of its natural attributes for enjoyment by the public.

Conditions
of permit

(2) The Minister may attach such terms and conditions to the issuance of a permit as, in his opinion, are necessary for the interest of the public referred to in subsection 1. 1970, c. 31, s. 5.

Revocation
of permit

6. The Minister may revoke a permit issued under this Act if the permittee has contravened this Act or has failed to comply with the terms and conditions of the permit. 1970, c. 31, s. 6.

Hearing

7.—(1) Subject to section 8, before refusing to issue a permit under section 5 or before revoking a permit, the Minister shall refer the matter to the Commissioner for a hearing and report.

Idem

(2) Pursuant to a reference by the Minister under this section, the Commissioner shall hold a hearing as to whether the permit to which the hearing relates should be issued or should be revoked, as the case may be, and the applicant or permittee and such other persons as the Commissioner specifies shall be parties to the hearing.

Procedure

(3) A hearing by the Commissioner shall be conducted in accordance with the rules, practices and procedures applicable to proceedings before the Commissioner under Part VIII of *The Mining Act*.

R.S.O. 1970,
c. 274

Expert
assistance

(4) The Commissioner may obtain the assistance of engineers, surveyors or other scientific persons who may under his order view and examine the property in question, and in making his report he may give such weight to their opinion or report as he considers proper.

Report of
Commis-
sioner

(5) The Commissioner shall, at the conclusion of a hearing under this section, make a report to the Minister which shall set out his findings of fact and any information or knowledge used by

him in reaching his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the issue or revocation of the permit to which the hearing relates, as the case may be, and shall send a copy of his report to the applicant or permittee to whom it relates.

(6) After considering the report of the Commissioner under this section, the Minister may refuse to issue or may revoke the permit to which the report relates and shall within thirty days after he receives the report of the Commissioner give notice of his decision to the applicant or permittee specifying the reasons therefor, and, subject to subsection 7, the decision of the Minister is final. Decision of Minister

(7) Any person whose permit or right to a permit is affected by a decision of the Minister may appeal the decision on any point of law to a judge of the Court of Appeal. Appeal

8. Where the Minister refers the matter of a revocation of a permit to the Commissioner for a hearing and report and, in the opinion of the Minister, the continuation of the mining operation constitutes an immediate threat to the interest of the public referred to in section 5, the Minister may, upon notice to the permittee, provisionally suspend the permit pending the final disposition of the matter. 1970, c. 31, s. 8. Interim suspension

9.—(1) Notwithstanding that a permit has been issued under this Act, no person shall quarry in the Amabel or Lockport Formation in the protected zone at any point nearer to the natural edge of the Niagara escarpment than 300 feet measured horizontally. Quarrying near escarpment

(2) For the purposes of this section, the Amabel and Lockport Formations are as defined in Geological Survey of Canada Memoir 289, 1957, entitled "Silurian Stratigraphy and Palaeontology of the Niagara Escarpment". 1970, c. 31, s. 9. Idem

10.—(1) Where it appears to the Minister that any person does not comply with any provision of this Act, notwithstanding the imposition of any penalty in respect of such non-compliance, the Minister may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order as he thinks fit. Order of compliance

(2) An appeal lies to the Court of Appeal from an order made under subsection 1. 1970, c. 31, s. 11. Appeal

11.—(1) Every person who contravenes section 3 or 9 or fails to comply with the terms and conditions of a permit is guilty of an offence against this Act and is liable to a fine of not more than \$5,000 for every day upon which the offence occurs or continues. Penalty

Idem
R.S.O. 1970,
c. 274

(2) Section 634 of *The Mining Act* applies to offences against this Act. 1970, c. 31, s. 11.

Regulations

12. The Lieutenant Governor in Council may make regulations,

- (a) designating lands for the purposes of section 2;
 - (b) governing applications for permits and providing for their issue;
 - (c) prescribing additional information to be included on site plans under section 4;
 - (d) prescribing forms for the purposes of this Act and providing for their use. 1970, c. 31, s. 12.
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CHAPTER 298

The Niagara Parks Act**1. In this Act,**Interpre-
tation

- (a) "Commission" means The Niagara Parks Commission, a corporation constituted under *The Queen Victoria Niagara Falls Park Act, 1887*, and taking its present name under *The Niagara Parks Act, 1927*; 1887, c. 13
1927, c. 24
- (b) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;
- (c) "Parks" means Queen Victoria Park, Queenston Heights Park, Niagara River Parkways, Butlers' Burying Ground, Drummond Hill Burying Ground and Lundy's Lane Battle Field and Cemetery and all other land heretofore or hereafter vested in or placed under the control of the Commission, including roads and boulevards and any interest in land and land covered with water. R.S.O. 1960, c. 262, s. 1; 1967, c. 59, s. 1.

2. The Minister is responsible for the administration of this Act. 1967, c. 59, s. 2. Administration of Act

3.—(1) The Commission is continued as a corporation with the objects, powers and duties prescribed in this Act. R.S.O. 1960, c. 262, s. 2 (1). Commission continued

(2) The Commission shall be composed of not fewer than nine and not more than eleven members appointed by the Lieutenant Governor in Council of whom, Composition of Commission

- (a) not fewer than six and not more than eight members shall be appointed for the terms prescribed in subsection 3;
- (b) one member shall be a member of the council of the County of Welland and shall be appointed annually upon the recommendation of such council;
- (c) one member shall be a member of the council of the County of Lincoln and shall be appointed annually upon the recommendation of such council; and
- (d) one member shall be a member of the council of the City of Niagara Falls and shall be appointed annually upon the recommendation of such council.

Terms
of office

(3) Of the persons first appointed under clause *a* of subsection 2,

- (a) at least two members shall be appointed for a term of one year;
- (b) at least two members shall be appointed for a term of two years; and
- (c) at least two members shall be appointed for a term of three years,

and, as the term of any such member expires, the appointment to fill the vacancy shall be for a term of three years and a member whose term expires is eligible for reappointment.

Chairman
and vice-
chairman

(4) The Lieutenant Governor in Council may designate one of the members of the Commission as chairman and one of the members as vice-chairman.

Vacancies

(5) Where a vacancy occurs in an appointment under subsection 2, the vacancy may be filled for the remainder of the unexpired term in the same manner as the appointment.

Remunera-
tion

(6) The Lieutenant Governor in Council may determine the annual remuneration to be paid to the chairman and vice-chairman of the Commission and such remuneration at a per diem rate for the other members of the Commission as is considered advisable. 1967, c. 59, s. 3 (1).

Members of
assembly
R.S.O. 1970,
c. 240

(7) Notwithstanding *The Legislative Assembly Act*, any member of the Assembly may be appointed as a member of the Commission and is entitled to act as such without thereby vacating or forfeiting his seat or incurring any other penalty for sitting or voting as a member of the Assembly. R.S.O. 1960, c. 262, s. 2 (6).

General
powers and
duties

4. It is the duty of the Commission to manage, control and develop the Parks and to further these objects the Commission may,

- (a) lay out, plant and enclose the Parks;
- (b) construct and pull down buildings and structures;
- (c) construct and operate incline railways, aerial cars, lifts and works to assist the public in reaching and viewing the points of interest in the Parks;
- (d) construct or acquire by purchase, lease or otherwise and operate bridges over the Niagara River, and for that purpose enter into agreement with any authority having control of the territory beyond the International Boundary required for any such bridge, or enter into agreement for the joint construction and operation by the Commission and such authority of any such bridge;

- (e) construct and operate golf courses, bowling greens and swimming pools;
- (f) construct and operate restaurants, refreshment booths and stands for the sale of souvenirs and other wares;
- (g) construct and maintain toilet and other facilities for the convenience of the public;
- (h) acquire and operate buses and other vehicles for use in connection with the Parks;
- (i) acquire and operate boats for use in connection with the Parks;
- (j) operate a school for the training of apprentice gardeners;
- (k) make agreements with persons with respect to the establishment or operation by them of any works or services in connection with the Parks;
- (l) appoint such auditors, officers, clerks, keepers, gardeners and other persons as may be required;
- (m) receive and take from any person by grant, gift, devise, bequest or otherwise, any property, real or personal, or any interest therein;
- (n) make grants of money and provide services for educational purposes or for any purpose that may serve to publicize or foster interest in the Parks; and
- (o) make such by-laws, rules and orders as may be considered expedient for the constitution of the Commission and the administration of its affairs and do such other things as may be necessary or advisable to properly exercise its powers and discharge its duties. R.S.O. 1960, c. 262, s. 3.

5.—(1) With the approval of the Lieutenant Governor in Council, the Commission may borrow money to meet its indebtedness accruing due or for purchasing or otherwise acquiring real or personal property, or making improvements, or for any other purpose of the Commission, and may issue bonds, debentures, notes or other securities to provide for the repayment of any moneys so borrowed, and such securities may be payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such interest as the Commission may consider proper. Issue of securities

(2) The Lieutenant Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to guarantee the payment of any securities issued by the Commission for any of the purposes mentioned in subsection 1. Guaranteeing securities R.S.O. 1960, c. 262, s. 4.

Foreshore
and river
bed

6. The Lieutenant Governor in Council may, subject to such conditions as he may consider proper, vest in the Commission any portion of the foreshore or bed of the Niagara River or land covered with water in the Niagara River that lies in front of the Parks and that is the property of the Crown in right of Ontario. R.S.O. 1960, c. 262, s. 5.

Acquisition
of land

7. Subject to the approval of the Lieutenant Governor in Council, the Commission may,

- (a) acquire by purchase, lease or otherwise;
- (b) without the consent of the owner, enter upon, take and expropriate; and
- (c) sell or otherwise dispose of,

any land or any interest in land. R.S.O. 1960, c. 262, s. 6.

Expropria-
tion
R.S.O. 1970,
c. 393

8.—(1) The Commission in the exercise of its powers to take land compulsorily has all the powers conferred by *The Public Works Act* on the Minister of Public Works in relation to a public work, and in the application of this section where the words “the Minister”, “the Department” or “the Crown” appear in such Act they mean, where the context permits, the Commission.

Procedure
R.S.O. 1970,
c. 154

(2) The Commission shall proceed in the manner provided by *The Expropriations Act*. R.S.O. 1960, c. 262, s. 7.

Highways

9.—(1) Notwithstanding any general or special Act, the Lieutenant Governor in Council may vest any highway in any municipality in the Commission and thereafter the Commission has exclusive jurisdiction over it.

Idem

(2) The Commission and the corporation of any municipality may enter into agreement as to the acquisition by the Commission or by the municipality of any highway or any land therefor or as to the establishing, laying out, opening, grading, paving, altering, constructing, reconstructing, maintaining or repairing of any highway, including the cost or the apportionment of the cost of the same and the payment thereof.

Compensa-
tion payable
by municipa-
lity

(3) Every agreement entered into under subsection 2 shall provide that the cost of any lands acquired pursuant thereto and all compensation payable in respect of such acquisition or for injurious affection to lands by reason of any work undertaken under any such agreement shall be borne and paid solely by the corporation of the municipality entering into the agreement. R.S.O. 1960, c. 262, s. 8.

Controlled
access
highways

10.—(1) The Lieutenant Governor in Council may designate any portion of any of the highways, roads, boulevards or parkways of the Commission as a controlled access highway.

(2) The Lieutenant Governor in Council may, in respect of any portion of any such highway, road, boulevard or parkway so designated, make any regulation that he may make in respect of controlled access highways under *The Highway Improvement Act*. R.S.O. 1960, c. 262, s. 9.

Regulations

R.S.O. 1970,
c. 201

11.—(1) The Commission may enter into agreement with the corporation of any municipality that adjoins or is within three miles of the lands of the Commission as to any work of any of the characters or descriptions mentioned in *The Local Improvement Act*, and the Commission may agree to contribute any sum towards the cost of any work undertaken, either in cash or by annual or other instalments or otherwise, but the Commission is not liable in any way for assessment under *The Local Improvement Act*, for the cost of any such work, whether the lands abut directly on the work or otherwise, and the lands remain exempt from assessment and taxation.

Local
improve-
ment worksR.S.O. 1970,
c. 255

(2) It is not necessary to submit any agreement entered into under this section for the assent of the electors of the municipality, nor is it necessary to receive the assent of the electors of the municipality for the issue of debentures to defray the cost of the work undertaken under any such agreement. R.S.O. 1960, c. 262, s. 10.

Assent of
electors not
required

12. *The Public Vehicles Act* applies to the highways and public places of the Commission except that as to such highways and public places the Commission shall be deemed to be substituted for the Department of Highways and for the Lieutenant Governor in Council, and the licence fees and tolls and the penalties imposed under that Act shall be payable to the Commission. R.S.O. 1960, c. 262, s. 11.

Application
of R.S.O.
1970, c. 392

13.—(1) Subject to any order of the Lieutenant Governor in Council, the Commission may continue to collect the revenues and rentals payable or collectable under the several agreements made between the Commission and the Canadian Niagara Power Company, Limited, the Ontario Power Company, the Electrical Development Company of Ontario, Limited and The Hydro-Electric Power Commission of Ontario.

Collection
of water
revenues
and rentals

(2) The Commission, with the approval of the Lieutenant Governor in Council, may,

Agreements
with com-
panies as to
developing
power

- (a) enter into agreement with any person to take water from the Niagara River or from the Niagara and Welland Rivers, at points within the Parks, for the purpose of enabling such persons to generate power within the Parks, and to conduct and discharge the water through and across the Parks or otherwise in such manner, for such rental, and upon such terms and conditions as may

be embodied in the agreement, and any such agreement may include provisions as to the removal or demolition of any buildings or structures and the re-erection of the same, or the erection of other buildings or structures; and

- (b) renegotiate any existing agreement for the development of power from the Niagara River.

Confirma-
tion of
agreement

(3) No agreement entered into or renegotiated under subsection 2 becomes operative until it is confirmed by resolution of the Assembly. R.S.O. 1960, c. 262, s. 12.

Bridges over
Niagara
River

14. With the approval of the Lieutenant Governor in Council, the Commission, upon terms to be agreed upon, may grant any rights over or in respect of lands of the Commission that may be required for the purpose of building any new bridge over the Niagara River or of confirming the present occupation of land by any presently existing bridge company, but nothing in this section authorizes the granting of any such rights over or in respect of Queen Victoria Park. R.S.O. 1960, c. 262, s. 13.

Application
of revenue

15.—(1) All moneys received by the Commission shall be applied in the discharge of its duties and obligations.

Surplus
money

(2) Any surplus moneys shall, on the order of the Lieutenant Governor in Council, be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1960, c. 262, s. 14.

Books of
account

16. The Commission shall cause books to be kept and true and regular accounts to be entered therein of all moneys received and paid and of the several purposes for which the same were received and paid, and such books shall be open to the inspection of any member of the Commission, the Treasurer of Ontario or any person appointed by the Commission or Treasurer for that purpose, and any such person may make copies of or take extracts from the books. R.S.O. 1960, c. 262, s. 15.

Security
by officers

R.S.O. 1970,
c. 382

17. Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*. R.S.O. 1960, c. 262, s. 16.

Audit

18. The books and records of the Commission shall be examined annually by the Provincial Auditor or such other auditor as may be designated by the Lieutenant Governor in Council. R.S.O. 1960, c. 262, s. 17.

Annual
report

19.—(1) The Commission shall after the close of each fiscal year of the Commission file with the Provincial Secretary an

annual report setting forth the revenue and expenditure of the year as shown by the audited statement and such other matters as may appear to be of public interest in relation to the Parks or as the Lieutenant Governor in Council may direct.

(2) The Provincial Secretary shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. R.S.O. 1960, c. 262, s. 18. to be laid
before
Assembly

20.—(1) The Commission, with the approval of the Lieutenant Governor in Council, may make regulations, Regulations

- (a) regulating and governing the use by the public of the Parks and the works, vehicles, boats, services and things under the jurisdiction of the Commission;
- (b) providing for the protection and preservation from damage of the property of the Commission;
- (c) prescribing tolls for the occupation and use of Park lands and works, vehicles, boats, golf courses, bowling greens, swimming pools and services under the jurisdiction of the Commission, for opening and closing graves or any class thereof in any cemetery in the parks, and for entrance to places of historical and scenic interest or any other occupation or uses of a similar nature;
- (d) prescribing permits designating privileges in connection with the use of the Parks or any part thereof and prescribing fees for such permits;
- (e) regulating and governing vehicular and pedestrian traffic in the Parks or any part thereof and prohibiting the use of any class or classes of vehicles in the Parks or any part thereof;
- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks or within one-quarter mile of any part thereof;
- (g) licensing, regulating and governing taxi-cabs and other vehicles for hire and the owners and drivers thereof, and prescribing fees for such licences;
- (h) licensing, regulating and governing guides and prescribing fees for such licences;
- (i) prescribing terms and conditions under which horses, dogs and other animals may be allowed in the Parks or any part thereof;
- (j) for imposing fines not exceeding \$100 for any breach of any regulation.

Offences

R.S.O. 1970,
c. 450

(2) Any offence against any regulation made under this Act is punishable under *The Summary Convictions Act* and the fines for any such offence are payable to the Commission. R.S.O. 1960, c. 262, s. 19.

Rights of
interment
not affected

21. Nothing in this Act authorizes the interference with any right to inter the body of any deceased person in any burying ground vested in the Commission and nothing in this Act confers the right to remove any body there interred. R.S.O. 1960, c. 262, s. 20.

CHAPTER 299

The Northern Ontario Development Corporation Act

1.—(1) In this Act,

Interpre-
tation

- (a) “Board” means the Board of Directors of the Corporation;
- (b) “Corporation” means the Northern Ontario Development Corporation;
- (c) “industry” includes any trade or other business undertaking of any kind, and “industrial” has a corresponding meaning;
- (d) “Minister” means the Minister of Trade and Development or such other member of the Executive Council as the Lieutenant Governor in Council designates;
- (e) “Northern Ontario” means the districts of Algoma, Cochrane, Manitoulin, Nipissing, Sudbury, Timiskaming, Kenora, Rainy River and Thunder Bay and such other areas as are from time to time designated by the Lieutenant Governor in Council under subsection 2.

(2) The Lieutenant Governor in Council may designate such areas in addition to those described in clause *e* of subsection 1 as he considers advisable. 1970, c. 77, s. 1.

Designation
of areas

2.—(1) The Northern Ontario Development Corporation is continued as a corporation without share capital, consisting of not fewer than five and not more than nine members appointed by the Lieutenant Governor in Council. 1970, c. 77, s. 2 (1), *amended*.

Northern
Ontario
Development
Corporation
continued

(2) The vice-chairman of the Ontario Development Corporation is *ex officio* a member of the Corporation.

Vice-
chairman
of O.D.C.
to be
member

(3) The Corporation shall have a seal, which shall be adopted by resolution or by-law.

Seal

(4) The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

Fiscal
year

(5) *The Corporations Act* does not apply to the Corporation. 1970, c. 77, s. 2 (2-5).

R.S.O. 1970,
c. 89 does
not apply

Board of
Directors

3.—(1) The members for the time being of the Corporation form and are its Board of Directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the Board.

Remunera-
tion

(2) The Corporation may pay such of its directors as are not officers in the public service of Ontario such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council.

Quorum

(3) A majority of the directors for the time being constitutes a quorum at meetings of the Board.

By-laws

(4) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation. 1970, c. 77, s. 3.

Manage-
ment

4.—(1) The affairs of the Corporation are under the management and control of the Board for the time being, and the chairman shall preside at all meetings of the Board and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.

Executive
committee

(2) When the number of directors of the Corporation is more than six, the Board may pass a by-law authorizing the election from among the directors of the Corporation of an executive committee consisting of not fewer than three and delegating to the executive committee any powers of the Board, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the Board.

Quorum

(3) An executive committee may fix its quorum at not less than a majority of its members. 1970, c. 77, s. 4.

Objects

5. The objects of the Corporation are to encourage and assist in the development and diversification of industry in Northern Ontario, including, without limiting the generality of the foregoing,

- (a) the provision of financial assistance by loan, guarantee or purchase of shares or other securities;
- (b) the provision of sites, equipment, premises, facilities and services; and
- (c) the provision of technical, business and financial information, advice, training and guidance to persons or organizations, whether or not incidental to the provision of financial assistance. 1970, c. 77, s. 5.

Powers

6.—(1) Notwithstanding any other Act, the Corporation for the objects set out in section 5 may, subject to the approval of the Lieutenant Governor in Council,

- (a) lend money to a person carrying on any industrial undertaking in Northern Ontario where in the opinion of the Board the funds in the circumstances are not available elsewhere on reasonable terms;
- (b) guarantee the payment of any loan, or any part thereof, and all or any part of the interest thereon, made by a lender to a person carrying on any industrial undertaking in Northern Ontario where in the opinion of the Board the funds in the circumstances are not available elsewhere on reasonable terms;
- (c) lend money to a person establishing or substantially expanding any industrial undertaking in an area of equalization of industrial opportunity in Northern Ontario approved under section 5 of *The Department of Trade and Development Act*;
- (d) buy, hold, own, hire, maintain, control, take, lease, sell, assign, exchange, transfer, manage, improve, develop or otherwise deal in and dispose of, either absolutely or by way of security or otherwise, any property real and personal, movable and immovable, and assets generally;
- (e) exercise such ancillary powers as are necessary to carry out its objects.

R.S.O. 1970,
c. 123

(2) Where the approval of an area of equalization of industrial opportunity is rescinded, the Corporation may proceed to exercise its power under clause *c* of subsection 1 in respect of any person whose application has been accepted before the rescission.

Application
of
rescission

(3) No loan authorized under clause *c* of subsection 1 shall,

Maximum
loans

- (a) exceed one-third of the first \$250,000 of the cost of the undertaking and one-quarter of the balance of the cost thereof, or \$500,000, whichever is the lesser;
- (b) be wholly forgiven in less than five years from the date upon which moneys are first advanced.

(4) In respect of a loan under clause *a* or *c* of subsection 1, the Ontario Development Corporation shall be deemed to be the creditor and *The Ontario Development Corporation Act* applies to the loan in the same manner as if the loan were made by the Ontario Development Corporation under that Act.

O.D.C.
deemed
creditor
R.S.O. 1970,
c. 308

(5) Every guarantee executed under the seal of the Corporation and signed by the Treasurer of Ontario and given or purporting to be given under the authority of this section is binding upon Ontario and is not open to question upon any ground whatsoever. 1970, c. 77, s. 6.

Validity of
guarantee

7.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act* as are considered necessary for the proper conduct of the business of the Corporation.

Staff of
Corporation
R.S.O. 1970,
c. 386

Super-
annuation
R.S.O. 1970,
c. 387

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act. 1970, c. 77, s. 7.

Professional
and other
assistance

8. The Corporation may engage persons other than those appointed under section 7 to provide professional, technical or other assistance to or on behalf of the Corporation, and may prescribe the duties and other terms of engagement and, subject to the approval of the Lieutenant Governor in Council, provide for payment of the remuneration and expenses of such persons. 1970, c. 77, s. 8.

Moneys

9. The moneys required for the purposes of this Act shall be paid out of the moneys appropriated by the Legislature for the purpose. 1970, c. 77, s. 9, *amended*.

Limitation
of
liability

10. No member, officer or employee of the Corporation or other person acting on behalf of the Corporation is personally liable for anything in good faith done or omitted in the exercise or purported exercise of the powers conferred by this Act. 1970, c. 77, s. 10.

Audit

11. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Corporation and to the Minister. 1970, c. 77, s. 11.

Annual
report

12.—(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other
reports

(2) The Corporation shall, in addition to making an annual report under subsection 1, make to the Minister such other reports of its affairs and operations as he may require. 1970, c. 77, s. 12.

R.S.O. 1970,
c. 278 not
to apply

13. *The Mortgage Brokers Act* does not apply to the Corporation. 1970, c. 77, s. 13.

CHAPTER 300

The Notaries Act

1. Subject to section 2, the Lieutenant Governor, upon the recommendation of the Minister of Justice and Attorney General, may by commission appoint such persons as he thinks fit as notaries public for Ontario. 1962-63, c. 91, s. 1, *amended*. Appoint-
ments

2.—(1) Any person, other than a barrister and solicitor, being a Canadian citizen, who is desirous of being appointed or reappointed a notary public, is subject to examination or re-examination, as the case may be, in regard to his qualification for the office by the judge of the county or district court of the county or district in which he resides, or by such other person as may be appointed in that behalf by the Lieutenant Governor in Council, and no such person shall be appointed or reappointed a notary public without a certificate from such judge, or such other person, that he has examined or re-examined the applicant and finds him qualified for the office, and that in his opinion a notary public is needed for the public convenience in the place where the applicant resides and intends to carry on business. 1962-63, c. 91, s. 2 (1); 1970, c. 22, s. 1 (1), *amended*. Examination

(2) Where a person, other than a barrister and solicitor, is appointed or reappointed a notary public, restrictions may be imposed in the commission limiting the territory and cases in which such person may use and exercise his powers. 1962-63, c. 91, s. 2 (2); 1970, c. 22, s. 1 (2). Restriction

3. Subject to subsection 2 of section 2, a notary public has and may use and exercise the power of drawing, passing, keeping and issuing all deeds and contracts, charter-parties and other mercantile transactions in Ontario, and also of attesting all commercial instruments that may be brought before him for public protestation, and otherwise of acting as is usual in the office of notary public, and may demand, receive and have all the rights, profits and emoluments rightfully appertaining and belonging to the calling of notary public. 1962-63, c. 91, s. 3. Powers

4.—(1) A notary public has and may exercise the powers of a commissioner for taking affidavits in Ontario. 1962-63, c. 91, s. 4 (1). Power to
take
affidavits

(2) Where a notary public is authorized by any Act of the Legislature to administer oaths or to take affidavits or declarations in Ontario, it is not necessary to the validity of any such Need not
affix seal on
affidavits,
etc.

oath, affidavit or declaration that he affix his seal thereto. 1962-63, c. 91, s. 4 (2), *amended*.

Expiry of
future
commissions

5.—(1) The commission of every notary public, other than a barrister and solicitor, who is appointed on or after the 1st day of July, 1963, expires three years after the day on which he was appointed. 1962-63, c. 91, s. 5 (2); 1970, c. 22, s. 2 (2).

Reappoint-
ment

(2) Any person whose commission expires under subsection 1 may be reappointed from time to time for a period of three years upon the production of a fresh certificate under section 2. 1962-63, c. 91, s. 5 (3).

Indication
of expiry of
commissions

(3) Every notary public to whom this section applies shall indicate, by means of a stamp approved by the Inspector of Legal Offices and affixed under his signature, the date upon which his commission expires and such limitations as to territory and purposes as are contained in the commission. 1964, c. 72, s. 1.

Offences,
notaries

6.—(1) Every notary public who as such exercises any power, performs any function or acts in any way that is not authorized by this Act or that he is not otherwise by law entitled to exercise, perform or do is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500.

Idem

(2) Every notary public who fails to comply with any restriction imposed in his commission under subsection 2 of section 2 or who fails to comply with subsection 3 of section 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500.

Idem,
other
persons

(3) Every person who carries on business as a notary public or who holds himself out as such or who, not being otherwise authorized by law, performs any function of a notary public without a subsisting commission under this Act or any predecessor of this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$1,000. 1962-63, c. 91, s. 6.

Suspension

7.—(1) Where a notary public who is a member of The Law Society of Upper Canada ceases for any reason to be a member of the Society or his membership in the Society is in abeyance, his appointment as a notary public is *ipso facto* suspended until such time as his membership in the Society is restored or is no longer in abeyance. 1970, c. 22, s. 3.

Revocation
of commis-
sion upon
conviction
for offence

(2) The Lieutenant Governor may revoke the commission of a notary public upon his conviction for an offence against this Act or for any other conduct that in the opinion of the Lieutenant Governor, upon the recommendation of the Minister of Justice and Attorney General, renders him unfit to hold the office of notary public. 1962-63, c. 91, s. 7 (2), *amended*.

8. The Lieutenant Governor in Council may make regula- Regulations
tions,

- (a) prescribing the fee to be paid upon appointment or reappointment as a notary public or any class thereof;
 - (b) prescribing the fee that the judge or other person examining is entitled to receive from a person examined or re-examined under section 2;
 - (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1962-63, c. 91, s. 8.
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CHAPTER 301

The Nurses Act

1. In this Act,Interpre-
tation

- (a) "College" means the College of Nurses of Ontario established under this Act;
- (b) "Council" means the council of nurses established by the College under this Act;
- (c) "Minister" means the Minister of Health;
- (d) "nursing registry" means a registry that includes in its functions procuring employment for registered nurses and registered nursing assistants;
- (e) "registered nurse" means a person who is registered as a nurse under this Act;
- (f) "registered nursing assistant" means a person who is registered as a nursing assistant under this Act;
- (g) "school of nursing" means a school for the education of persons as nurses that is approved under this Act;
- (h) "training centre" means a training centre for the education of persons as nursing assistants that is approved under this Act. 1961-62, c. 90, s. 1; 1962-63, c. 92, s. 1.

2.—(1) The College of Nurses of Ontario is continued as a corporation without share capital. 1961-62, c. 90, s. 2; 1962-63, c. 92, s. 2 (1), *amended*. College

(2) Every registered nurse is a member of the College. 1962-63, c. 92, s. 2 (2). Members

3. The affairs of the College shall be administered by the Council which shall be composed as follows: Council

- (a) the Minister of Health or his representative *ex officio*;
- (b) members elected by the registered nurses of Ontario in accordance with the regulations;
- (c) members appointed by the Registered Nurses' Association of Ontario in accordance with the regulations;
- (d) members appointed by the Ontario Association of Registered Nursing Assistants in accordance with the regulations. 1961-62, c. 90, s. 3; 1965, c. 82, s. 1.

Schools of
nursing and
training
centres

4.—(1) No person shall establish, maintain or conduct a school of nursing or a training centre unless it has received the approval of the Lieutenant Governor in Council on the recommendation of the Council.

Idem

(2) Any approval given to a school of nursing or a training centre under subsection 1 may be revoked by the Lieutenant Governor in Council on the recommendation of the Council.

Idem

(3) The schools of nursing and the training centres that are being maintained and conducted on the 25th day of March, 1964 shall be deemed to have been approved in accordance with subsection 1. 1964, c. 73, s. 1.

Regulations

5. The Council, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) governing the composition of the Council, including the number, procedure for election and term of office of the members to be elected and the number and term of office of the members to be appointed;
- (b) fixing the remuneration of the members of the Council and providing for the payment of necessary expenses of the Council in the conduct of its business;
- (c) prescribing the powers of the Council and the procedure of the Council at its meetings;
- (d) prescribing the requirements for approval of schools of nursing and training centres and for the cancellation of such approval;
- (e) providing for the inspection of schools of nursing and of training centres;
- (f) prescribing the requirements for admission to schools of nursing and training centres and the courses of instruction therein;
- (g) providing for the holding of examinations for persons who are in attendance at or graduates of schools of nursing and training centres;
- (h) for the registration of graduates of schools of nursing located within or outside Ontario and the issue, suspension, cancellation and renewal of registration;
- (i) for the registration of graduates of training centres located within or outside Ontario and the issue, suspension, cancellation and renewal of registration;
- (j) prescribing the fees for examinations, registration and renewal of registration of nurses and nursing assistants;
- (k) governing the disciplinary powers of the Council or a committee of the Council with respect to registered

nurses and registered nursing assistants, including the power to suspend or cancel their registration;

- (l) prescribing the standards for approval of nursing registries;
- (m) providing for the appointment, composition, powers and duties of the Educational Advisory Committee. 1961-62, c. 90, s. 6; 1962-63, c. 92, s. 3.

6.—(1) There shall be an Educational Advisory Committee to advise the Council with respect to matters pertaining to schools of nursing and training centres.

Educational
Advisory
Committee

(2) Any regulation made by the Council pursuant to section 5 that pertains to schools of nursing and training centres shall be submitted to the Educational Advisory Committee at least thirty days before it is submitted to the Lieutenant Governor in Council for approval. 1962-63, c. 92, s. 4.

Regulations
in schools
of nursing,
etc.

7. The Council shall keep a register containing information about every person who has been granted registration as a registered nurse or registered nursing assistant under this Act. 1961-62, c. 90, s. 7.

Register

8. No person shall hold herself or himself out to the public by any title, designation or description as a registered nurse or registered nursing assistant and under such title, designation or description offer to render or render services of any kind to one or more persons for a fee or other remuneration unless such person is registered under this Act. 1961-62, c. 90, s. 8.

Prohibitions

9.—(1) No person shall use the title “registered nurse” or the designation “Reg. N.” or “R.N.” unless such person is registered as a nurse under this Act.

Title,
Reg. N.,
R.N.

(2) No person shall use the title “registered nursing assistant” or “certified nursing assistant” or the designation “R.N.A.” or “C.N.A.” unless such person is registered as a nursing assistant under this Act. 1961-62, c. 90, s. 9.

Title
R.N.A.,
C.N.A.

10. The powers of the College include,

Powers of
College

- (a) assisting financially and otherwise in researches in nursing education and practice;
- (b) the use of unsworn oral and written statements in the course of any disciplinary inquiry;
- (c) publication of the decision of any disciplinary inquiry and all or any of the information used in the inquiry;
- (d) the establishment and maintenance of a superannuation plan for its officers and employees, and the making of

contributions from the funds of the College for that purpose;

- (e) issuing certificates of approval to nursing registries that comply with standards established by the regulations. 1961-62, c. 90, s. 10.

Review
by court

11.—(1) If the Council refuses or neglects to register a person, refuses or neglects to renew the registration of a person, or suspends or cancels the registration of a person, the person aggrieved may, within three months from the day on which notice thereof was served, apply to the Supreme Court, which upon due cause shown may make an order directing the Council to grant the registration, renew the registration, remove the suspension, or withdraw the cancellation, as the case may be, or may make such other order as is warranted by the facts.

Idem

(2) Every such order is final and conclusive and shall be acted upon forthwith by the Council. 1961-62, c. 90, s. 11.

Actions
against
College

12. No action, prosecution or other proceeding shall be brought or be instituted against the College or any officer, clerk or servant of the College or the Council or any member of the Council or its committees for an act done in pursuance or execution or intended execution of any duty or authority under this Act or the regulations, or in respect of any alleged neglect or default in the execution of any such duty or authority. 1961-62, c. 90, s. 12.

Penalties

13. Every person who contravenes any of the provisions of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for a first offence and not more than \$500 for any subsequent offence. 1961-62, c. 90, s. 13.

CHAPTER 302

The Nursing Homes Act

1. In this Act,

(a) “Act” includes the regulations;

(b) “Department” means the Department of Health;

(c) “inspector” means a person designated under clause *l* of subsection 1 of section 14 or a person or a member of a class of persons designated by the regulations as inspectors;

(d) “licence” includes a provisional licence;

(e) “Minister” means the Minister of Health;

(f) “nursing home” means any premises maintained and operated for persons requiring nursing care;

(g) “regulations” means the regulations made under this Act;

(h) “resident” means a person admitted to and lodged in a nursing home. 1966, c. 99, s. 1.

Interpre-
tation
- 2.—(1) The Minister is responsible for the administration and enforcement of this Act.

Minister
responsible
- (2) Where this Act requires or authorizes the Minister to do any act, such act may be done on his behalf by any officer of the Department whom he designates to do such act. 1966, c. 99, s. 2.

Delegation
of ministe-
rial powers
and duties
3. No person shall establish or maintain and operate a nursing home unless it is licensed under this Act. 1966, c. 99, s. 3.

Nursing
homes to be
licensed
4. No person shall use the term “licensed nursing home” in connection with any premises unless they are licensed under this Act. 1966, c. 99, s. 4.

Use of term
“licensed
nursing
home”
5. The Minister may issue licences under this Act. 1966, c. 99, s. 5.

Issue of
licences
6. On the application in writing signed by the licensee and by any person to whom he desires that his licence be transferred, the Minister may, by endorsement on the licence or otherwise in writing, transfer the licence to that person, and thereupon that

Transfer of
licences

person becomes the licensee of the nursing home with the same rights and obligations as if the licence had been issued to him in the first instance. 1966, c. 99, s. 6.

Joint
licensees

7. Where a licence has been issued to two or more persons jointly and any of such persons dies leaving the other or others surviving during the currency of the licence, the licence remains in force and has the same effect as if it had been issued to the survivor or survivors. 1966, c. 99, s. 7.

Death of
licensee

8.—(1) Where the licensee or the sole surviving licensee dies, the Minister may, by endorsement on the licence or otherwise in writing, transfer the licence to any person nominated by the executors or administrators of the deceased licensee of the nursing home with the same rights and obligations as if the licence had been issued to him in the first instance.

Idem

(2) If the licence is not transferred under subsection 1 within two months after the death of the licensee or of the sole surviving licensee, the Minister may revoke the licence. 1966, c. 99, s. 8.

Nursing
Homes
Advisory
Committee

9.—(1) The Lieutenant Governor in Council may appoint a committee, consisting of not more than five members, to be known as the Nursing Homes Advisory Committee, and may designate one member of the committee as chairman.

Quorum

(2) Three members of the Nursing Homes Advisory Committee constitute a quorum. 1966, c. 99, s. 9.

Revocation
of licence

10.—(1) A licence may at any time be revoked by the Minister,

- (a) if the nursing home is unclean, unsanitary or without proper fire protection;
- (b) if the standard of nursing care of residents provided in the nursing home is inadequate;
- (c) if the nursing home is managed or conducted in a manner contrary to this Act;
- (d) if the nursing home is maintained or operated in such a manner that the revocation of the licence is required in the public interest; or
- (e) if the licensee has made default for at least two months in paying the annual licence fee.

Notice

(2) Before a licence is revoked, the Minister shall give notice to the licensee of the nursing home, by registered mail, of the ground upon which it is proposed to revoke the licence, and shall send a copy of such notice to the chairman of the Nursing Homes Advisory Committee.

(3) The Nursing Homes Advisory Committee shall provide the licensee, within fifteen days after he has received the notice, with an opportunity of appearing before it at a hearing and presenting such evidence and making such representations as he desires. Hearing

(4) Where the Nursing Homes Advisory Committee after the hearing finds that there is ground for revoking the licence, the Minister shall revoke the licence. 1966, c. 99, s. 10. Action

11. Where a nursing home is operating without a licence, each resident therein shall arrange to vacate the nursing home as soon as it is practicable and the Minister shall assist in finding appropriate alternative accommodation. 1968-69, c. 79, s. 1, *part.* Vacating
unlicensed
home

12.—(1) In addition to the inspectors designated by the regulations, the Minister may designate one or more officers of the Department to be inspectors for the purposes of this Act. Inspectors

(2) Every licensed nursing home and its books and records shall at all times be open to inspection by an inspector. Inspection
of nursing
homes

(3) Where an inspector believes or suspects that any premises are being used as a nursing home without being licensed, he may at any time and from time to time enter and inspect such premises and every part thereof, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. 1966, c. 99, s. 11. Inspection
of suspected
premises

13. Any person who contravenes any provision of this Act or the regulations for which no penalty is otherwise provided, except section 11, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. 1968-69, c. 79, s. 1, *part.* Penalty

14.—(1) The Lieutenant Governor in Council may make such regulations with respect to nursing homes as are considered necessary for carrying out the purposes of this Act, and in particular, Regulations

- (a) classifying nursing homes and residents;
- (b) exempting nursing homes from the application of this Act;
- (c) respecting the construction, establishment, location, alteration, safety, equipment, maintenance and repair of nursing homes;
- (d) respecting the management and operation of nursing homes;
- (e) respecting the officers and staffs of nursing homes and prescribing their functions;

- (f) prescribing the books and records that shall be kept by licensees of nursing homes;
- (g) requiring the accounts of nursing homes to be audited;
- (h) prescribing the reports and returns that shall be made to the Department by licensees of nursing homes;
- (i) respecting the licensing and provisional licensing of nursing homes and prescribing the conditions applicable to licences or provisional licences, and the fees payable therefor;
- (j) defining the term “nursing care” for the purposes of this Act;
- (k) respecting the admission, treatment, care, conduct, discipline and discharge of residents of nursing homes;
- (l) designating persons or classes of persons as inspectors for the purposes of this Act and prescribing the duties of inspectors. 1966, c. 99, s. 12 (1); 1968-69, c. 79, s. 2.

Application
to class

(2) Any regulation may be made applicable to any class of nursing home or resident. 1966, c. 99, s. 12 (2).

CHAPTER 303

The Official Notices Publication Act

- 1.** *The Ontario Gazette*, being the official notices publication of Ontario authorized by chapter 6 of the Statutes of Ontario, 1868, shall be published by the Queen's Printer and Publisher at the times and in the form and style now established or at such times or in such form and style as the Lieutenant Governor in Council may order. R.S.O. 1960, c. 266, s. 1, *amended*. *The Ontario Gazette* authorized
- 2.** Unless another mode of publication is authorized by law, there shall be published in *The Ontario Gazette*, Notices, etc., to be published
- (a) all proclamations issued by the Lieutenant Governor;
 - (b) all notices, orders, regulations and other documents relating to matters within the authority of the Legislature that require publication; and
 - (c) all advertisements, notices and publications that are required to be given by the Crown or by any department of the Government of Ontario, or by any public authority, or by any officer or person. R.S.O. 1960, c. 266, s. 2.
- 3.** If in any Act of the late Province of Upper Canada or of the late Province of Canada in force in Ontario and being within the authority of the Legislature any notice is directed to be given in the *Upper Canada Gazette* or in the *Canada Gazette*, the same shall be given in *The Ontario Gazette*. R.S.O. 1960, c. 266, s. 3. Notices published under Acts of Upper Canada or Canada
- 4.** The Lieutenant Governor in Council may make regulations, Regulations
- (a) prescribing the rates that shall be paid for publication of matters in *The Ontario Gazette* and prescribing the time and manner of payment of such rates;
 - (b) prescribing the rates that shall be paid by subscribers to *The Ontario Gazette* and by others for copies thereof and prescribing the time and manner of payment of such rates. R.S.O. 1960, c. 266, s. 4.
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CHAPTER 304

The Oleomargarine Act

1. In this Act,Interpre-
tation

- (a) "Minister" means the Minister of Agriculture and Food;
- (b) "oleomargarine" means any food substance other than butter, of whatever origin, source or composition that is prepared for the same uses as butter and that is manufactured wholly or in part from any fat or oil other than that of milk;
- (c) "package" means any wrapper, carton, box, tub, crock, crate or any other covering or container;
- (d) "public eating place" means any place where food or drink is offered for sale to the public for consumption on the premises and includes a hotel, inn, restaurant, public conveyance, victualling house and lunch counter;
- (e) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 268, s. 1, *amended*.

2. Every keeper of a public eating place where oleomargarine is served as such shall,Oleomar-
garine
served in
public
eating
places

- (a) where a menu is used, cause to be displayed thereon in a conspicuous manner the words "Oleomargarine is served here";
- (b) where a menu is not used, cause to have displayed in a conspicuous manner in each room or place where food is served a sign or placard bearing the words "Oleomargarine is served here" in letters large enough to be distinctly seen from all parts of each room or place. R.S.O. 1960, c. 268, s. 2.

3. No person shall mix oleomargarine with butter for purposes of sale or for use in any public eating place. R.S.O. 1960, c. 268, s. 3.Mixing
oleomar-
garine and
butter
prohibited**4.** No oleomargarine shall have a tint or shade containing more than one and six-tenths degrees and less than ten and one-half degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale read under conditions substantially similar to those established by the

Colouring

United States Bureau of Internal Revenue, or the equivalent of such measurement. R.S.O. 1960, c. 268, s. 4; 1962-63, c. 93, s. 1.

Packaging

5. Every package containing oleomargarine shall have legibly marked thereon in addition to anything required under any Act of the Parliament of Canada or of the Legislature,

- (a) the word "oleomargarine" or the trade name of the contents;
- (b) a list of the ingredients in the oleomargarine and the percentage of each such ingredient; and
- (c) the kinds of refined oil forming an ingredient in the oleomargarine and the percentage that each kind is of the total refined oil. R.S.O. 1960, c. 268, s. 5; 1962-63, c. 93, s. 2.

Licence to manufacture or sell by wholesale

6.—(1) No person shall manufacture or sell by wholesale oleomargarine without a licence therefor from the Minister.

Unlawful manufacture, etc.

(2) No person shall manufacture, sell, offer for sale, have in his possession for sale or serve in any public eating place any oleomargarine that does not comply with the provisions of this Act or the regulations. R.S.O. 1960, c. 268, s. 6.

Misleading advertising

7.—(1) No person shall make a misleading claim with respect to oleomargarine, either by word or design, in an advertisement or on a package in which oleomargarine is contained.

Reference to dairy product in advertisement

(2) No advertisement respecting oleomargarine and no package containing oleomargarine,

- (a) shall state or imply that oleomargarine has a relation to any dairy product; or
- (b) shall depict a dairy scene. R.S.O. 1960, c. 268, s. 7.

Inspectors and analysts

8.—(1) The Lieutenant Governor in Council may appoint such inspectors and analysts as he may consider necessary for the administration and enforcement of this Act and the regulations.

Obstruction of inspectors

(2) No person shall obstruct any inspector in the performance of his duties or furnish any inspector with false information. R.S.O. 1960, c. 268, s. 8.

Regulations

9. The Lieutenant Governor in Council may make regulations,

- (a) providing for the issue of licences to manufacturers and wholesalers of oleomargarine and prescribing the form, term and conditions thereof and the fees to be paid therefor, and providing for the transfer, renewal, suspension or cancellation thereof;

- (b) prescribing standards of quality for and the composition of oleomargarine;
- (c) providing for the detention and confiscation of oleomargarine that does not comply with the provisions of this Act and the regulations;
- (d) prescribing the powers and duties of inspectors;
- (e) requiring and providing for the keeping of records by manufacturers and wholesalers;
- (f) respecting the marking and labelling of packages in which oleomargarine is contained;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 268, s. 9; 1962-63, c. 93, s. 3.

10. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 or to imprisonment for not more than six months, or to both. R.S.O. 1960, c. 268, s. 10, *amended*. Offences and penalties

CHAPTER 305

The One Day's Rest in Seven Act

1. This Act is in force in every city and in every town having a population of 10,000 or over. R.S.O. 1960, c. 269, s. 1. Application of Act

2. Except as hereinafter mentioned, every employer of labour, whether a person, partnership or corporation, engaged in carrying on any hotel business, restaurant or cafe shall allow every person, employed in any such hotel business, restaurant or cafe at least twenty-four consecutive hours of rest in every seven days, and wherever possible such twenty-four consecutive hours shall be on a Sunday. R.S.O. 1960, c. 296, s. 2. 24 hours rest in every week

3. Section 2 does not apply to,

Exceptions

- (a) watchmen, janitors, superintendents or foremen; or
- (b) employees who are not employed for more than five hours in any one day,

but nothing in this Act authorizes any work on Sundays now prohibited by law. R.S.O. 1960, c. 269, s. 3.

4. Every employer who contravenes this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1960, c. 269, s. 4. Offence

CHAPTER 306

The Ontario Agricultural Museum Act

1. In this Act,

Interpre-
tation

- (a) "Board" means the Ontario Agricultural Museum Advisory Board;
- (b) "Minister" means the Minister of Agriculture and Food;
- (c) "Museum" means the Ontario Agricultural Museum. 1967, c. 60, s. 1.

2.—(1) There shall be a museum to be known as the Ontario Agricultural Museum. 1967, c. 60, s. 2 (1), *amended*.

Ontario
Agricultural
Museum
established
Powers of
Minister

(2) The affairs of the Museum are under the control of the Minister, and the Minister has all the powers necessary for the purpose of carrying out the objects of the Museum. 1967, c. 60, s. 2 (2).

3.—(1) A curator of the Museum may be appointed under *The Public Service Act* and such other officers, clerks and servants as are considered necessary from time to time for the proper conduct of the business of the Museum.

Curator
and staff
R.S.O. 1970,
c. 386

(2) The curator shall have the management and administration of the Museum subject to the supervision and direction of the Minister. 1967, c. 60, s. 3 (2).

Duties of
curator

4.—(1) There shall be a board to be known as the Ontario Agricultural Museum Advisory Board.

Ontario
Agricultural
Museum
Advisory
Board
established
Composition

(2) The Board shall consist of not fewer than five and not more than eleven members appointed by the Lieutenant Governor in Council, of whom at least two shall be persons in the public service of Ontario.

(3) The Lieutenant Governor in Council shall designate one of the members of the Board as chairman and one of them as vice-chairman of the Board.

Chairman
and vice-
chairman

(4) A member of the Board may be appointed for a term not exceeding three years but may be reappointed for one or more further terms.

Term of
appoint-
ment

(5) A majority of the members of the Board for the time being constitutes a quorum. 1967, c. 60, s. 4.

Quorum

Duties of
Board

5. The object and purpose of the Board is to consider matters relating to the objects of the Museum and to make recommendations thereon to the Minister. 1967, c. 60, s. 5.

Objects of
Museum

6. The objects of the Museum are,

- (a) to display and illustrate to the public articles or documents relating to or used in agricultural or horticultural pursuits in Ontario; and
- (b) to inform and stimulate the interest of the public in matters depicted by the Museum. 1967, c. 60, s. 6.

Agreements
for loan of
displays

7.—(1) The Minister is authorized to enter into agreements, in the form prescribed in the regulations, with any person or persons for the display in the Museum, for any period or periods of time, of articles and documents referred to in section 6, owned by or in the care and control of such person or persons.

Agreements
for use of
facilities

(2) The Minister is authorized to enter into agreements, in the form prescribed in the regulations, with any person or persons for the use by such person or persons of any facilities, property and equipment, acquired for the purposes of the Museum, for holding exhibitions, related to the objects of the Museum, jointly with the Museum or otherwise, and any such agreement may provide that the whole or any part of the admission fees collected during the holding of the exhibition be paid over to the person or persons with whom the agreement is made.

Acquisition
of displays

(3) The Minister may, out of the moneys appropriated by the Legislature for the purposes of the Museum, acquire such articles and documents as he considers necessary or advisable for achieving the objects of the Museum and may dispose of such articles or documents as he considers advisable. 1967, c. 60, s. 7.

Regulations

8.—(1) The Lieutenant Governor in Council may make regulations,

- (a) establishing one or more endowment funds in furtherance of the objects of the Museum, and governing such funds;
- (b) regulating and governing the use by the public of the facilities, property and equipment acquired for the purposes of the Museum;
- (c) requiring the payment of fees for the admission of the public or any class thereof to the Museum, and prescribing the amounts;
- (d) prescribing the form, terms and conditions for agreements referred to in section 7;
- (e) respecting any matter necessary or advisable to carry

out effectively the intent and purpose of this Act. 1967, c. 70, s. 8 (1).

(2) Every person who contravenes a regulation made under ^{Penalty} subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. 1967, c. 60, s. 8 (2), *amended*.

9. The moneys required for the purposes of this Act shall be ^{Moneys} paid out of the moneys appropriated therefor by the Legislature. 1967, c. 60, s. 9, *amended*.

CHAPTER 307

The Ontario Deposit Insurance
Corporation Act**1.** In this Act,Interpre-
tation

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "by-laws" means the by-laws of the Corporation;
- (c) "Chairman" means the Chairman of the Board;
- (d) "Corporation" means the Ontario Deposit Insurance Corporation established by this Act;
- (e) "deposit" means a deposit as defined by section 23;
- (f) "loan corporation" has the same meaning as it has in *The Loan and Trust Corporations Act*; R.S.O. 1970,
c. 254
- (g) "member institution" means a loan corporation or trust company incorporated under the laws of Ontario and registered under *The Loan and Trust Corporations Act*;
- (h) "Minister" means the Minister of Financial and Commercial Affairs;
- (i) "Registrar" means the Registrar under *The Loan and Trust Corporations Act*;
- (j) "trust company" has the same meaning as it has in *The Loan and Trust Corporations Act*. 1967, c. 61, s. 1; 1967, c. 62, s. 1.

PART I

THE CORPORATION

2.—(1) The Ontario Deposit Insurance Corporation is continued, consisting of the persons who make up the Board. Corporation
continued

(2) The Corporation is, for all purposes of this Act, an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty. Crown
agency

(3) *The Business Corporations Act* does not apply to the Corporation. R.S.O. 1970,
c. 53, not
to apply

(4) The Corporation has power to acquire, hold and alienate real and personal property. Property

- Idem (5) Property acquired by the Corporation is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Corporation.
- Legal proceedings (6) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Corporation in any court that would have jurisdiction if the Corporation were not an agent of Her Majesty. 1967, c. 61, s. 2, *amended*.
- Head office **3.**—(1) The head office of the Corporation shall be at the City of Toronto and at such place therein as the Board shall from time to time determine.
- Offices and agents (2) The Corporation may establish offices or employ agents in any part of Ontario. 1967, c. 61, s. 3.
- Board of directors **4.**—(1) The Board shall consist of the person appointed as the Chairman and the persons who for the time being hold, respectively, the offices of the Deputy Treasurer of Ontario and Deputy Minister of Economics, the Comptroller of Finance, the Deputy Minister of Financial and Commercial Affairs, and the Registrar, and such other persons as may be appointed by the Lieutenant Governor in Council. 1967, c. 61, s. 4 (1), *amended*.
- Alternate director (2) In the event of the absence or incapacity of any director of the Corporation other than the Chairman, the Minister may appoint, for a period not exceeding thirty days, an alternate for such director who shall serve on the Board during such absence or incapacity and who shall, while so serving, be deemed to be a member of the Board.
- Travelling expenses (3) A member of the Board shall be paid by the Corporation reasonable travelling and living expenses incurred by him while absent from his ordinary place of residence in the course of his duties as a director, but no director of the Corporation, other than the Chairman, shall receive any other remuneration for his services on the Board. 1967, c. 61, s. 4 (2, 3).
- Chairman **5.**—(1) The Lieutenant Governor in Council shall appoint a person to be the Chairman.
- Disqualification (2) No person is eligible to be appointed or to continue as Chairman who,
- (a) is not a Canadian citizen ordinarily resident in Ontario;
 - (b) is a member of the Senate or House of Commons of Canada or a member of the Assembly;
 - (c) is a director, officer or employee of a member institution; or
 - (d) has reached the age of seventy years.

(3) The Chairman shall preside at all meetings of the Board, Functions
but, where at any meeting the Chairman is absent, one of the
directors present thereat who is chosen so to act by the directors
present shall preside and has and shall exercise the powers of the
Chairman.

(4) The Chairman shall be paid by the Corporation such Remunera-
tion
remuneration as may be fixed by the Lieutenant Governor in
Council. 1967, c. 61, s. 5.

6. The Chairman, the other members of the Board and the No personal
liability
officers and employees of the Corporation are not personally
liable for anything done by the Board or any of them under the
authority of this Act. 1967, c. 61, s. 6.

7.—(1) The authorized capital of the Corporation is Authorized
capital
\$5,000,000 divided into five shares of the par value of \$1,000,000
each.

(2) The Treasurer of Ontario shall subscribe for the five shares Subscription
of the capital stock of the Corporation and shall pay the amount
of such subscription out of the Consolidated Revenue Fund at
such time or from time to time as the Corporation may require.

(3) The shares of the capital stock of the Corporation are not Shares not
transferable
transferable and shall be registered in the books of the Corpora-
tion in the name of the Treasurer of Ontario and held by him in
trust for Her Majesty. 1967, c. 61, s. 7.

8. The financial year of the Corporation ends on the expiration Financial
year
of the 31st day of December in each year. 1967, c. 61, s. 8.

9. The accounts and financial transactions of the Corporation Audit
shall be audited annually by the Provincial Auditor. 1967, c. 61,
s. 9.

10. The Corporation shall be responsible to the Minister and Annual
report
shall, within three months after the termination of each financial
year of the Corporation, transmit to the Minister a statement
relating to the activities of the Corporation for that year,
including the financial statements of the Corporation and the
Provincial Auditor's report thereon, and the Minister shall
submit the report to the Lieutenant Governor in Council and
shall then lay the report before the Assembly if it is in session or, if
not, at the next ensuing session. 1967, c. 61, s. 10.

11. The objects of the Corporation are, Objects

- (a) to provide, for the benefit of persons having deposits
with member institutions, insurance (herein referred to
as "deposit insurance") against the loss of part or all of

such deposits by making payments to such persons to the extent and in the manner authorized by this Act;

- (b) to provide the deposit insurance required by this Act for member institutions;
- (c) to examine into the affairs of member institutions for the purpose of obtaining information relative to deposit insurance; and
- (d) to accumulate, manage and invest a deposit insurance fund and any other funds accumulated as the result of the operations of the Corporation. 1967, c. 61, s. 11.

Powers

12. The Corporation may do all things necessary or incidental to the objects of the Corporation and in particular, but without limiting the generality of the foregoing, the Corporation may, in furtherance of its objects,

- (a) acquire assets from a member institution, make loans or advances to a member institution and take security therefor and guarantee loans to or deposits with a member institution, for the purpose of reducing a risk to the Corporation or reducing or averting a threatened loss to the Corporation;
- (b) act under section 34 when duly authorized and appoint persons, whether employees or not of the Corporation, to carry out any or all of the functions of the Corporation;
- (c) assume the costs of a winding up of a member institution when the Corporation is appointed to act as a liquidator in the winding up or assume the costs of the receiver when the Corporation is appointed to act as such and charge such costs of winding up or receivership to the Accumulated Net Earnings of the Corporation;
- (d) acquire assets of a member institution from a liquidator or receiver thereof;
- (e) make an advance for the purpose of paying a claim, against a member institution for which the Corporation is acting as receiver or liquidator, in respect of any insured deposit and become subrogated as an unsecured creditor for the amount of such advance;
- (f) make or cause to be made such inspections of a member institution as may be authorized under this Act; and
- (g) do all such other things, not contrary to this Act, as may be necessary for the exercising of any of the powers of the Corporation. 1967, c. 61, s. 12.

Powers and
duties of
Board

13.—(1) The Board shall administer the affairs of the Corporation in all things and make, or cause to be made, for the

Corporation any description of contract that the Corporation may be law enter into; and, subject to the approval of the Lieutenant Governor in Council, the Board may make by-laws for,

- (a) the administration, management and control of the property and affairs of the Corporation;
- (b) the functions, duties and remuneration of all officers, agents and employees of the Corporation;
- (c) the appointment or disposition of any special committees from time to time created by the Board for the purposes of the Corporation;
- (d) the issue of the shares of the Corporation;
- (e) the declaration and payment of dividends;
- (f) determining the seal of the Corporation;
- (g) the time and place for the holding of meetings of the directors, the quorum at such meetings and the procedure in all things at such meetings;
- (h) prescribing standards of sound business and financial practices for member institutions;
- (i) authorizing and controlling the use by member institutions of marks, signs, advertisements or other devices indicating that deposits with such institutions are insured by the Corporation; and
- (j) the conduct in all other particulars of the affairs of the Corporation.

(2) For the purpose of carrying out any inspection authorized by this Act, the Board may appoint any person to carry out any such inspection, and the person so appointed has the like powers as may be conferred on a commissioner appointed under *The Public Inquiries Act*. 1967, c. 61, s. 13.

Powers of inspection

R.S.O. 1970, c. 379

14.—(1) Subject to the approval of the Lieutenant Governor in Council and to section 21, the Corporation may from time to time borrow or raise by way of loan such sums of money as the Corporation may consider requisite for any of the purposes of the Corporation by the issue and sale of debentures, bills or notes of the Corporation in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable as to principal and interest at such time or times, in such currency or currencies and at such place or places as the Corporation may determine.

Borrowing powers

(2) The purposes of the Corporation, without limiting the generality thereof, include,

Purposes of Corporation

- (a) the carrying out of the objects of the Corporation;
- (b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money borrowed or raised by way of loan or of any securities issued by the Corporation;
- (c) the repayment in whole or in part of any advances made by Ontario to the Corporation or of any securities of the Corporation issued and delivered to the Treasurer of Ontario in respect of any advances;
- (d) payment of the whole or any part of any loan or of any liability or of any bonds, debentures or other securities, payment whereof is guaranteed or assumed by the Corporation; and
- (e) the payment of the whole or any part of any obligation, liability or indebtedness of the Corporation.

Sale, etc.,
of Cor-
poration's
securities

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may sell any debentures, bills or notes of the Corporation either at, or at less or more than, the principal amount thereof and may charge, pledge or otherwise deal with any such debentures, bills or notes as collateral security.

Authoriza-
tion

(4) A recital or declaration in any resolution or minute of the Corporation authorizing the issue and sale of debentures, bills or notes of the Corporation to the effect that it is necessary to issue and sell such debentures, bills or notes for the purposes of the Corporation in the amount authorized is conclusive evidence to that effect.

Execution
of securities

(5) The notes, debentures and other securities of the Corporation shall be executed in such manner as the Corporation, with the approval of the Lieutenant Governor in Council, may determine.

Mechanical
reproduc-
tion of seal
and
signature
authorized

(6) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture, bill or note, and any signature upon any debenture, bill or note and upon any coupon may be engraved, lithographed, printed or otherwise mechanically reproduced, and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed, and any such signature is for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office. 1967, c. 61, s. 14.

Securities of
Corporation
redeemable
in advance

15. Any debenture, bill or note of the Corporation may be made redeemable in advance of maturity at such time or times, at such price or prices and on such terms and conditions as the Corporation may determine at the time of the issue thereof. 1967, c. 61, s. 15.

16.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by Ontario of any debentures, bills or notes issued by or of any temporary loan made to the Corporation under the authority of this Act.

Guarantee
of payment
by Ontario

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant Governor in Council.

Form of
guaranty

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon Ontario and is not open to question upon any ground whatsoever.

Validity of
guaranty

(4) Any debenture, bill or note issued by or temporary loan made to the Corporation, payment whereof is guaranteed by Ontario under this section, is valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question on any ground whatsoever. 1967, c. 61, s. 16, *amended*.

Guaranteed
debentures,
etc., to be
indefeasible

17. Notwithstanding anything in any other Act, debentures issued by the Corporation are at all times a lawful investment for municipal, school and trust funds. 1967, c. 61, s. 17.

Trustee,
etc., invest-
ments in
debentures

18.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario,

(a) to purchase any debentures, bills or notes of the Corporation; and

(b) to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may consider expedient.

Sale of
Corpora-
tion's
securities
to Ontario
and
provincial
advances to
Corporation
authorized

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund. 1967, c. 61, s. 18.

Idem

19. The Corporation may, in its discretion, invest any funds not required in carrying out its objects in debentures or other securities of Canada or of Ontario, or in any securities guaranteed as to principal and interest by either of them. 1967, c. 61, s. 19.

Investment
of funds

20.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time for any of the purposes of the Corporation borrow by way of temporary loan from any chartered bank or from any person such sums as the Corporation considers requisite, either by way of bank overdraft or loan or in any other manner whatsoever.

Temporary
loans

(2) For the purposes of subsection 1, the Corporation may pledge as security notes, debentures or other securities of the Corporation pending the sale thereof or in lieu of selling the same

Idem

or may pledge as security bonds, debentures or other securities owned by the Corporation or otherwise give such security as the Corporation may determine, and any cheques, promissory notes or other instruments that may be necessary or desirable for the purposes of subsection 1 or this subsection may be executed in such manner as the Corporation may determine. 1967, c. 61, s. 20.

Limit of
borrowing
powers

21.—(1) The Corporation shall not borrow or raise by way of loan any sums of money if, after giving effect to such borrowing or loan, the aggregate principal amount of the outstanding debentures, bills and notes issued by the Corporation, of temporary loans raised by the Corporation and of outstanding advances to the Corporation from the Treasurer of Ontario, would exceed \$250,000,000.

Idem

(2) Notwithstanding subsection 1, the Corporation shall not question the validity of any borrowings by it, or of any debentures, bills or notes issued by it, all of which shall be binding upon the Corporation. 1967, c. 61, s. 21.

PART II

MEMBER INSTITUTIONS

Applications
for Federal
deposit
insurance
authorized
1966-67,
c. 70 (Can.)

Federal-
Provincial
agreements
authorized

22.—(1) Every member institution is authorized to apply to the Canada Deposit Insurance Corporation for deposit insurance under the *Canada Deposit Insurance Corporation Act*.

(2) The Minister on behalf of Ontario may enter into agreements with the Canada Deposit Insurance Corporation for any purpose in connection with the issuing of policies of deposit insurance to loan corporations and trust companies incorporated under the laws of Ontario.

Idem

(3) Any such agreement may contain an undertaking by Ontario to indemnify the Canada Deposit Insurance Corporation for any loss to that corporation occurring by reason of its obligation to make payment in respect of any deposit insured by a policy of deposit insurance where the obligation arises during the period specified for that purpose in such agreement. 1967, c. 62, s. 2, *part, amended*.

PART III

DEPOSIT INSURANCE

Deposit
insurance
required
R.S.O. 1970,
c. 254

23.—(1) No loan corporation or trust company registered under *The Loan and Trust Corporations Act* shall, after the 30th day of June, 1967, accept, receive or issue deposits unless it holds a certificate or policy of deposit insurance issued by the Canada

Deposit Insurance Corporation or unless its deposits are insured in some other manner approved by the Lieutenant Governor in Council.

(2) In the case of any particular loan corporation or trust company the Lieutenant Governor in Council may extend the time for effecting the insurance mentioned in subsection 1. 1967, c. 62, s. 2, *part*. Extension of time

24. For the purposes of this Act, a deposit is,

- (a) money deposited with a loan corporation or trust company registered under *The Loan and Trust Corporations Act* in respect of which such corporation or company is liable to the depositors; or Deposit defined
R.S.O. 1970,
c. 254
- (b) money received under section 89 of *The Loan and Trust Corporations Act* by a trust company registered under that Act or a debenture or like obligation issued by a loan corporation registered under that Act, but not including any money so received or debenture or like obligation so issued on or after the 17th day of April, 1967, unless the trust company or loan corporation, as the case may be, is obligated, or may by demand of the depositor become obligated, to repay the money so received or the debenture or like obligation so issued on or before the fifth anniversary of the date of receipt of such money or the fifth anniversary of the date of issue of such debenture or like obligation, as the case may be. 1967, c. 62, s. 2, *part*.

25.—(1) All deposits with a member institution that does not hold a policy of deposit insurance issued by the Canada Deposit Insurance Corporation are insured by the Corporation except, Deposits insured

- (a) a deposit that is not payable in Canada or in Canadian currency;
- (b) so much of any one deposit, including interest thereon, as exceeds \$20,000; and
- (c) deposits insured under terminated or cancelled deposit insurance under section 28 of the *Canada Deposit Insurance Corporation Act*. 1967, c. 62, s. 3. 1966-67,
c. 70 (Can.)

(2) Where the Corporation is obliged to make payment in respect of any deposit insured by the Corporation, the Corporation as soon as possible after the obligation arises shall, in respect of such deposit, make payment to such person as appears entitled thereto by the records of the member institution with which the deposit was made, Payment

- (a) by making available to such person a transferred deposit with another member institution for so much of his deposit as is insured by the Corporation; or

- (b) by paying such person a sum equal to so much of his deposit as is insured by the Corporation.

Effect of
payment

(3) Payment under this section by the Corporation in respect of any deposit insured by the Corporation discharges the Corporation from all liability in respect of that deposit, and in no case is the Corporation under any obligation to see to the proper application in any way of the payment so made.

Subrogation

(4) Where the Corporation makes a payment under this section in respect of any deposit with a member institution, the Corporation is subrogated for so much of that deposit as is insured by the Corporation to all the rights and interest of the depositor as against that member institution. 1967, c. 61, s. 24 (2-4).

Commence-
ment of
insurance,
existing
member
institutions

26.—(1) Except as provided in section 25, the deposits with a member institution that is carrying on business on the 10th day of February, 1967 are insured by the Corporation from and after that date in accordance with this Act.

Idem,
future
member
institutions

(2) Except as provided in section 25, when a member institution commences business on or after the 10th day of February, 1967, the deposits with such member institution are insured by the Corporation in accordance with this Act on and after the day on which such member institution commences business. 1967, c. 61, s. 25, *amended*.

Premiums
are debts

27. A premium assessed by the Corporation against a member institution for the purposes of this Act constitutes a debt owing to Her Majesty in right of Ontario, and the amount thereof together with any interest levied by the Corporation as an overdue charge is recoverable by the Corporation by action in any court of competent jurisdiction. 1967, c. 61, s. 26.

Disposition
of premiums

28. All premiums received by the Corporation shall be credited to a Deposit Insurance Fund to be maintained by the Corporation. 1967, c. 61, s. 27.

Assessment
and collec-
tion of
premiums

29.—(1) The Corporation shall each year assess and collect from each member institution an annual premium equal to the greater of,

- (a) \$500; or
- (b) one-thirtieth of 1 per cent of the total amount of such deposits as are deposited with the member institution on the date as of which the return mentioned in subsection 2 is filed with the Corporation and as are insured by the Corporation.

Annual
return

(2) Each member institution shall file with the Corporation annually a return to be certified by the member institution and

submitted in such form as of such date and at such time as the Corporation may require.

(3) One-half of the premium payable by a member institution shall be paid to the Corporation on or before the 30th day of June in the year in which the annual return is to be filed, and the balance shall be paid to the Corporation, without interest, on or before the 31st day of December in that year. Payable in instalments

(4) Notwithstanding anything in this section, the Corporation may charge interest not in excess of 10 per cent per annum on the amount of any premium or any part thereof not paid on or before the due date thereof. 1967, c. 61, s. 28. Interest

(5) Notwithstanding anything in this Act, the Lieutenant Governor in Council may authorize and direct the repayment to a member institution of the whole or any part of any premium paid to the Corporation. 1967, c. 62, s. 4. Repayments of premiums authorized

30.—(1) The Corporation shall maintain an account to be known as the Accumulated Net Earnings to which shall be credited all earnings including realized profits on the sale of securities and to which shall be charged all operating expenses, losses and specific provisions for losses in respect of insurance and losses on sales of securities. Accumulated Net Earnings

(2) The Accumulated Net Earnings shall be reported as a separate item in any statement of assets and liabilities of the Corporation and shown as an addition to or a deduction from the Deposit Insurance Fund. 1967, c. 61, s. 29. Separate item in report

31.—(1) The Registrar shall, on behalf of the Corporation, examine the affairs of each member institution at such times as the Corporation may require but no less frequently than once in each year. 1967, c. 61, s. 30. Inspection of books

(2) The Registrar, at the request of the Canada Deposit Insurance Corporation and on such terms and conditions as may be approved by the Minister, may examine the affairs of any loan corporation or trust company registered under *The Loan and Trust Corporations Act* and report thereon to the Canada Deposit Insurance Corporation. Examination of affairs authorized
R.S.O. 1970, c. 254

(3) In any examination authorized under subsection 2, the Registrar has and may exercise any of the powers given him by subsections 3, 4 and 5 of section 126 of *The Loan and Trust Corporations Act*. 1967, c. 62, s. 5. Powers of Registrar

32.—(1) After each examination of the affairs of a member institution, the Registrar shall report to the Corporation whether or not, in his opinion, there has been any change in the circum- Contents of examiner's report

stances of the member institution that might materially affect the position of the Corporation as an insurer and particularly, without limiting the generality of the foregoing, whether or not, in his opinion,

- (a) the returns made by the member institution and on which payment of its premiums were based are correct;
- (b) the operations of the member institution are being conducted in accordance with sound business and financial practices; and
- (c) the member institution is in a satisfactory financial condition.

Idem

R.S.O. 1970,
c. 254

(2) Each such report shall further state whether or not, in the opinion of the Registrar, there has been any breach of the provisions of *The Loan and Trust Corporations Act* and in particular, without limiting the generality of the foregoing, whether or not, in his opinion, there has been any breach of the provisions of *The Loan and Trust Corporations Act* with respect to,

- (a) borrowing powers;
- (b) reserves required on deposit under sections 81 and 93 of that Act; and
- (c) investments authorized by that Act. 1967, c. 61, s. 31.

Reporting
of defects
and
breaches

33.—(1) Where in the opinion of the Corporation, whether such opinion is based upon consideration of a report from the Registrar or upon any other report or information, a member institution,

- (a) is or may be following unsound business or financial practices; or
- (b) is or may be in breach of any provision of this Act; or
- (c) is or may be in breach of any provision of *The Loan and Trust Corporations Act*; or
- (d) is not or may not be in a satisfactory financial condition,

the Corporation shall, in writing and by registered mail, report the same to the president or chairman of the board of directors of the member institution and he shall cause such report to be presented to a meeting of the directors of the member institution within a period of thirty days after its date of receipt and such report shall be incorporated in the minutes of that meeting of directors.

Copy to
Minister

(2) The Corporation shall deliver a copy of each such report to the Minister. 1967, c. 61, s. 32.

Rehabilita-
tion
proceedings

34.—(1) Where the Registrar has reported to the Corporation that, in his opinion, the affairs of a member institution are not in a

satisfactory financial condition and the Corporation has reported that, in its opinion, the affairs of the member institution are not in a satisfactory financial condition and where the Minister, after a reasonable time has been given to the member institution to be heard by him and upon such further inquiry and investigation as he sees fit to make, reports to the Lieutenant Governor in Council that he agrees with the opinions of the Registrar and of the Corporation, the Lieutenant Governor in Council may, if he also agrees with the opinions, order the Corporation forthwith to take possession of the property of the member institution and to conduct the business thereof and to take such steps as in its opinion may be taken toward the removal of the causes and conditions that have made such proceedings necessary.

(2) The Corporation shall thereupon take possession of the property of such member institution and conduct its business and take such steps as in the Corporation's opinion may be taken toward the removal of the causes and conditions that have made such proceedings necessary, and for such purposes and without limiting the generality of the foregoing, Idem

- (a) the Corporation has all the powers of the board of directors of the member institution;
- (b) the Corporation has power to exclude the member institution and its servants and agents from the property and business of the member institution; and
- (c) the Corporation has power to carry on, manage and conduct the operations of the member institution and in the name of the member institution to preserve, maintain, realize, dispose of and add to the property of the member institution, to receive the incomes and revenues of the member institution and to exercise all the powers of the member institution.

(3) Upon the request of a member institution and with the approval of the Lieutenant Governor in Council, the Corporation may with respect to such member institution exercise the powers mentioned in subsection 2. Idem,
upon
request 1967, c. 61, s. 33, *amended*.

35. If at any time the Corporation considers that further efforts to place the affairs of a member institution in a satisfactory financial condition would be futile or that the affairs of the member institution have been placed in a satisfactory financial condition, the Corporation may return possession of the property of the member institution to it, and upon such return the powers of the Corporation under subsection 2 of section 34 as a result of the order of the Lieutenant Governor in Council under which the Corporation took possession of the property of the member institution terminate. Where
efforts
futile 1967, c. 61, s. 34.

Appeal

36.—(1) A member institution may appeal to a judge of the Court of Appeal from any order made by the Lieutenant Governor in Council under subsection 1 of section 34 within thirty days after the making of such order and the delivery of a copy thereof to an officer of the member institution and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, except that the Rules Committee may vary and amend such practice and procedure in respect of appeals taken under this section.

Record

(2) The Minister shall certify to the Registrar of the Supreme Court,

- (a) the reports of the Registrar and of the Corporation that have been reviewed by the Minister and by the Lieutenant Governor in Council;
- (b) the record of the reviews; and
- (c) all written submissions to the Registrar and to the Lieutenant Governor in Council and other material that in the opinion of the Minister are relevant to the appeal.

Counsel

(3) The Minister of Justice and Attorney General may designate counsel to assist the judge upon the hearing of any appeal taken under this section.

Order

(4) Where an appeal is taken under this section, the judge may by order direct the Corporation to take such action as the judge considers proper and thereupon the Corporation shall act accordingly.

Further
decision

(5) Notwithstanding the final disposition of an appeal under this section, the Minister and the Lieutenant Governor in Council have power to make any further reports and orders on new material or where there is a material change in the circumstances, and any such further order is subject to appeal under this section. 1967, c. 61, s. 35, *amended*.

PART IV

OFFENCES

Holding
out

37.—(1) Every person, other than a member institution, who, by any written or oral representation of any kind, advertises or holds out any company or corporation as being insured or approved for insurance by the Corporation is guilty of an offence.

Advertising

(2) Every member institution that makes any written or oral representation that it is insured by the Corporation otherwise than by such marks, signs, advertisements or other devices as are authorized by the by-laws of the Corporation and used in the

manner and on the occasions prescribed by the by-laws is guilty of an offence.

(3) Every director, officer or employee of a member institution and every auditor thereof who knowingly prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the member institution required by the Registrar, by the Minister or by the Corporation for the purposes of this Act and containing any false or deceptive information or any return that does not present fairly information required by the Registrar, the Minister or the Corporation for the purposes of this Act is guilty of an offence.

False
returns,
etc.

(4) Every person who, being a president or chairman of the board of directors of a member institution, fails or neglects to present to a meeting of the directors of the member institution, as required by section 33, a report of the Corporation made under that section is guilty of an offence, and, if the directors of the member institution fail or neglect to incorporate such report in the minutes of a meeting of the directors as required by section 33, each director present at such meeting is guilty of an offence.

Failure to
present
report,
etc.

(5) Every person, other than a corporation or company, guilty of an offence under this section is on summary conviction liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

Penalties,
individuals

(6) Every corporation or company guilty of an offence under this section is on summary conviction liable to a fine of not more than \$25,000. 1967, c. 61, s. 36.

Idem,
corporations

CHAPTER 308

The Ontario Development Corporation Act

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the Ontario Development Corporation;
- (c) "industry" includes any trade or other business undertaking of any kind, and "industrial" has a corresponding meaning;
- (d) "lender" means any financial institution or person approved for the purposes of this Act by the Corporation;
- (e) "Minister" means the Minister of Trade and Development or such other member of the Executive Council as the Lieutenant Governor in Council may designate. 1966, c. 100, s. 1; 1968, c. 81, s. 1, *amended*.

2.—(1) The corporation known as the Ontario Development Corporation is continued, consisting of not fewer than five and not more than nine directors appointed by the Lieutenant Governor in Council.

Ontario
Develop-
ment
Corporation
continued

(2) The Corporation shall have a seal which shall be adopted by resolution or by-law.

Seal

(3) The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

Fiscal
year

(4) *The Business Corporations Act* does not apply to the Corporation. 1966, c. 100, s. 2, *amended*.

R.S.O. 1970,
c. 53, does
not apply

3. The capital of the Corporation is \$7,000,000 divided into 7,000 shares, each having a par value of \$1,000. 1966, c. 100, s. 3.

Share
capital

4.—(1) The directors for the time being of the Corporation form and are its Board of Directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the Board.

Board of
Directors

(2) The Corporation may pay such of its directors as are not officers in the public service of Ontario such remuneration and

Remunera-
tion

expense allowance as may be from time to time fixed by the Lieutenant Governor in Council.

Quorum (3) A majority of the directors for the time being constitutes a quorum at meetings of the Board.

By-laws (4) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation. 1966, c. 100, s. 4.

Management **5.**—(1) The affairs of the Corporation are under the management and control of the Board for the time being, and the chairman shall preside at all meetings of the Board and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.

Executive committee (2) When the number of directors of the Corporation is more than six, the Board may pass a by-law authorizing the election from among the directors of the Corporation of an executive committee consisting of not fewer than three and delegating to the executive committee any powers of the Board, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the Board.

Quorum (3) An executive committee may fix its quorum at not less than a majority of its members. 1966, c. 100, s. 5.

Rights of Minister under agreements to be rights of Corporation 1962-63, c. 40

6. All rights of the Minister of Her Majesty in right of Ontario under any agreement heretofore or hereafter entered into by the Minister under *The Economic Development Loans Guarantee Act, 1962-63* are vested in the Corporation. 1966, c. 100, s. 6.

Objects **7.** The objects of the Corporation are to encourage and assist in the development and diversification of industry in Ontario, including, without limiting the generality of the foregoing,

- (a) the provision of financial assistance by loan, guarantee or purchase of shares or other securities;
- (b) the provision of sites, equipment, premises, facilities and services; and
- (c) the provision of technical, business and financial information, advice, training and guidance to persons or organizations, whether or not incidental to the provision of financial assistance. 1966, c. 100, s. 7; 1968, c. 81, s. 2.

Powers of Corporation

8.—(1) Notwithstanding any other Act, the Corporation for the objects set out in section 7 possesses power to,

- (a) lend money to a person carrying on any industrial undertaking in Ontario where in the opinion of the

Board the funds in the circumstances are not available elsewhere on reasonable terms;

- (b) guarantee the payment of any loan, or any part thereof, and all or any part of the interest thereon, made by a lender to a person carrying on any industrial undertaking in Ontario where in the opinion of the Board the funds in the circumstances are not available elsewhere on reasonable terms;
- (c) lend money to a person establishing or substantially expanding any industrial undertaking in an area of equalization of industrial opportunity approved under section 5 of *The Department of Trade and Development Act* and forgive repayment of the loan in whole or in part; R.S.O. 1970,
c. 123
- (d) take security by way of mortgage, charge, hypothecation or assignment of or on any real or personal property or otherwise;
- (e) buy, hold, own, hire, maintain, control, take, lease, sell, assign, exchange, transfer, manage, improve, develop or otherwise deal in and dispose of, either absolutely or by way of security or otherwise, any property real and personal, movable and immovable, and assets generally;
- (f) buy, acquire, accept, and hold, exchange, transfer, assign, sell, dispose of or deal in, either absolutely or by way of security or otherwise, all kinds of bills, notes, negotiable instruments, commercial paper, conditional sale agreements, lien notes, hire purchase agreements, chattel mortgages, bills of lading, bills of sale, warehouse receipts, guarantees, choses in action or instruments of assignment, conveyance, mortgage, pledge, charge or hypothecation, and shares, stocks, bonds, debentures, debenture stocks, securities, obligations, agreements and evidences of debt;
- (g) do all things that a corporation with share capital may do by virtue of paragraphs 1 to 7, 9, 10, 14, 16, 18 and 19 of subsection 2 of section 15 of *The Business Corporations Act* and all such other things as are incidental or conducive to the attainment of the objects of the Corporation. R.S.O. 1970,
c. 53

(2) The powers conferred by clauses *a*, *b* and *c* of subsection 1 shall only be exercised with the approval of the Lieutenant Governor in Council. Approval of
Lieutenant
Governor
in Council
required

(3) Where the approval of an area of equalization of industrial opportunity is rescinded, the Corporation may proceed to exercise its power under clause *c* of subsection 1 in respect of any person whose application has been accepted before the rescission. Application
of rescission

Maximum
for loans

(4) No loan made under clause *c* of subsection 1 shall,

- (a) exceed one-third of the first \$250,000 of the cost of the undertaking and one-quarter of the balance of the cost thereof, or \$500,000, whichever is the lesser;
- (b) be wholly forgiven in less than five years from the date upon which moneys are first advanced. 1968, c. 81, s. 3, *part*.

Validity of
guarantee

(5) Every guarantee executed under the seal of the Corporation and signed by the Treasurer of Ontario and given or purporting to be given under the authority of this section is binding upon the Province of Ontario and is not open to question upon any ground whatsoever. 1968, c. 81, s. 3, *part, amended*.

Borrowing
powers

9.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time borrow or raise by way of loan such sums of money as the Corporation considers requisite for any of the purposes of the Corporation in any one or more, or partly in one and partly in another, of the following ways:

- (a) by the issue and sale of debentures, bills or notes of the Corporation in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable as to principal and interest at such time or times, in such currency or currencies and at such place or places as the Corporation may determine; and
- (b) by temporary loans or loans from any chartered bank or banks or from any person either by way of bank overdraft or loan or in any other manner whatsoever as the Corporation may determine.

Purposes of
Corporation

(2) The purposes of the Corporation, without limiting the generality thereof, include,

- (a) the carrying out of the objects of the Corporation mentioned in section 7;
- (b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money raised by way of loan or of any securities issued by the Corporation;
- (c) the repayment in whole or in part of any advances made by the Province of Ontario to the Corporation or of any securities of the Corporation issued and delivered to the Treasurer of Ontario in respect of any advances; and
- (d) the payment of the whole or any part of any obligation, liability or indebtedness of the Corporation.

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may sell any debentures, bills or notes of the Corporation either at, or at less or more than, the par value thereof and may charge, pledge or otherwise deal with any such debentures, bills or notes as collateral security.

Sale, etc.,
of Corpora-
tion's
securities

(4) A recital or declaration in any resolution or minute of the Corporation authorizing the issue and sale of debentures, bills or notes of the Corporation to the effect that it is necessary to issue and sell such debentures, bills or notes for the purposes of the Corporation in the amount authorized is conclusive evidence to that effect.

Authoriza-
tion

(5) Debentures, bills or notes of the Corporation shall be sealed with the seal of the Corporation and may be signed by the chairman or vice-chairman of the Corporation and by the secretary or other officer of the Corporation, and any interest coupon that may be attached to any debenture, bill or note of the Corporation may be signed by the secretary or other officer of the Corporation.

Sealing,
signing,
etc.

(6) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture, bill or note and any signature upon any debenture, bill or note and upon any coupon may be engraved, lithographed, printed or otherwise mechanically reproduced, and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed, and any such signature is for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office. 1966, c. 100, s. 9.

Mechanical
reproduc-
tion of
seal and
signature
authorized

10. Any debenture, bill or note of the Corporation may be made redeemable in advance of maturity at such time or times at such price or prices and on such terms and conditions as the Corporation may determine at the time of the issue thereof. 1966, c. 100, s. 10.

Securities
of Corpora-
tion
redeemable
in advance

11. Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the Board may provide for its replacement on such terms and conditions as to evidence and as to indemnity as the Board may require. 1966, c. 100, s. 11.

Lost
debentures

12.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of Ontario of any debentures, bills or notes issued by or of any temporary loan made to the Corporation under the authority of this Act.

Guarantee of
payment by
Ontario

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant Governor in Council.

Form of
guaranty

Validity of guaranty

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon the Province of Ontario and is not open to question upon any ground whatsoever.

Guaranteed debentures, etc., to be indefeasible

(4) Any debenture, bill or note issued by or temporary loan made to the Corporation, payment whereof is guaranteed by Ontario under this section, is valid and binding upon the Corporation and its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question on any ground whatsoever. 1966, c. 100, s. 12.

Debentures lawful trustee investments

13. Notwithstanding anything in any other Act, debentures issued by the Corporation are at all times a lawful investment for municipal, school and trust funds. 1966, c. 100, s. 13.

Sale of Corporation's shares and securities to Ontario and provincial advances to Corporation authorized

14.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario,

- (a) to purchase shares of the Corporation from time to time for an amount equal to their par value;
- (b) to purchase any debentures, bills or notes of the Corporation; and
- (c) to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council considers expedient.

Idem

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Redemption of shares

(3) The Corporation, with the approval of the Lieutenant Governor in Council, may redeem the shares of the Corporation from time to time. 1966, c. 100, s. 14.

Investment of surplus moneys

15. The Corporation may temporarily invest any surplus moneys not immediately required for the objects of the Corporation in any securities issued by or guaranteed as to principal and interest by the Province of Ontario, any other province of Canada, or Canada. 1966, c. 100, s. 15, *amended*.

Officers and employees R.S.O. 1970, c. 386

16.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act* as are considered necessary for the proper conduct of the business of the Corporation.

Employees' super-annuation benefits R.S.O. 1970, c. 387

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act. 1966, c. 100, s. 16.

Professional and other assistance

17. The Corporation may engage persons other than those appointed under section 16 to provide professional, technical or

other assistance to or on behalf of the Corporation, and may prescribe the duties and other terms of engagement and, subject to the approval of the Lieutenant Governor in Council, provide for payment of the remuneration and expenses of such persons. 1966, c. 100, s. 17.

18.—(1) The moneys required for the purpose of defraying the operating expenses of the Corporation shall be paid out of the moneys appropriated by the Legislature for the purpose. 1966, c. 100, s. 18, *amended*. Moneys

(2) The moneys required for the purposes of clauses *b* and *c* of subsection 1 of section 8 shall be paid out of the moneys appropriated therefor by the Legislature. 1968, c. 81, s. 4. Forgivable
loans and
guarantees
Provincial
expenses

19. No member, officer or employee of the Corporation, or other person acting on behalf of the Corporation, is personally liable for anything done or omitted in good faith in the exercise or purported exercise of the powers conferred by this Act. 1966, c. 100, s. 19, *amended*. Limitation
of liability

20. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Corporation and to the Minister. 1966, c. 100, s. 20. Audit

21.—(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual
report

(2) The Corporation shall, in addition to making an annual report under subsection 1, make to the Minister such other reports of its affairs and operations as he may require. 1966, c. 100, s. 21. Other
reports

22. *The Mortgage Brokers Act* does not apply to the Corporation. 1966, c. 100, s. 22. R.S.O. 1970,
c. 278, does
not apply

CHAPTER 309

The Ontario Economic Council Act

1. In this Act,

Interpretation

- (a) "Council" means the Ontario Economic Council;
- (b) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act. 1968, c. 82, s. 1.

2.—(1) The Ontario Economic Council is continued, consisting of not more than twenty-one members appointed by the Lieutenant Governor in Council, of whom one shall be designated as chairman. 1968, c. 82, s. 2 (1), *amended*.

Establishment

(2) The Council may contract and may sue and be sued in its own name, and the members thereof are not personally liable upon any contract made by the Council. 1968, c. 82, s. 2 (2).

Power to contract and sue

3.—(1) The chairman of the Council shall be appointed to hold office for a term of not more than five years.

Appointment, chairman

(2) Each of the members of the Council shall be appointed to hold office for a term of not more than three years, except that of those first appointed not less than one-third shall be appointed for a term of one year and not less than one-third shall be appointed for a term of three years.

members

(3) A retiring chairman or other member of the Council is eligible for reappointment to the Council in the same or another capacity. 1968, c. 82, s. 3.

Reappointments

4. It is the duty of the Council to advise and make recommendations to the Executive Council or any member thereof on methods for,

Duties of Council

- (a) encouraging the maximum development of the human and material resources of Ontario;
- (b) supporting the advancement of all sectors of Ontario; and
- (c) fostering conditions for the realization of higher standards of living for the people of Ontario. 1968, c. 82, s. 4.

Further
duties of
Council

5. The Council may,

- (a) conduct socio-economic studies in any area considered by the Council to be of concern;
- (b) cause to be published such studies and reports as are prepared by or for the Council;
- (c) co-operate and maintain liaison with the Economic Council of Canada and bodies in other jurisdictions corresponding to the Council;
- (d) create an awareness and public understanding of provincial socio-economic issues by holding seminars and conferences;
- (e) create such committees as it considers desirable for the carrying out of its objectives; and
- (f) undertake such other duties as are assigned by the Lieutenant Governor in Council. 1968, c. 82, s. 5.

Salaries:
chairman

6.—(1) The chairman of the Council shall receive such remuneration as the Lieutenant Governor in Council may determine.

deputy
chairman

(2) The Minister may designate a member of the Council to be the deputy chairman who shall act in the absence of the chairman and may be paid such *per diem* allowance as the Lieutenant Governor in Council may determine.

members

(3) Members of the Council, other than the chairman and deputy chairman, shall serve without remuneration but all members shall receive their reasonable travelling and living expenses while absent from their ordinary place of residence in the course of their duties under this Act.

Remunera-
tion for
additional
duties

(4) Notwithstanding subsection 3, a member of the Council, other than the chairman and deputy chairman, may for any period during which he performs, with the approval of the Council, any duties on behalf of the Council in addition to his ordinary duties as a member thereof, be paid such remuneration therefor as the Lieutenant Governor in Council may determine.

Staff

R.S.O. 1970,
c. 386

(5) Such officers and employees as are necessary for the proper conduct of the work of the Council may be appointed under *The Public Service Act*. 1968, c. 82, s. 6.

Meetings

7.—(1) The Council shall meet at least five times a year at the discretion of the chairman.

Quorum

(2) A majority of the members constitutes a quorum of the Council. 1968, c. 82, s. 7.

8. The expenses of the Council in carrying out its objectives shall be paid out of the moneys appropriated therefor by the Legislature. 1968, c. 82, s. 8. ^{Expenses of Council}

CHAPTER 310

The Ontario Education Capital Aid Corporation Act

1. In this Act,Interpre-
tation

- (a) "Corporation" means The Ontario Education Capital Aid Corporation;
- (b) "municipality" means a metropolitan district or regional municipality, county, city, town, village, township, improvement district or school board, and "municipal" has a corresponding meaning. 1966, c. 101, s. 1; 1970, c. 46, s. 1.

2.—(1) The Ontario Education Capital Aid Corporation is continued as a corporation without share capital, consisting of not fewer than five and not more than seven members appointed by the Lieutenant Governor in Council. 1966, c. 101, s. 2 (1), *amended*.

Corporation
continued

(2) The Lieutenant Governor in Council shall designate one member of the Corporation to be chairman and one member to be vice-chairman of the Corporation.

Chairman,
vice-
chairman

(3) The Corporation shall have a seal, which shall be adopted by resolution.

Seal

(4) A majority of the members of the Corporation constitutes a quorum at meetings.

Quorum

(5) *The Corporations Act* does not apply to the Corporation. 1966, c. 101, s. 2 (2-5).

R.S.O. 1970,
c. 89, not
to apply

3. The object of the Corporation is to purchase from municipalities debentures issued by them for,

Object

- (a) school board undertakings;
- (b) public library purposes; and
- (c) grants to an association under paragraph 31 of section 352 of *The Municipal Act*. 1967, c. 63, s. 1.

R.S.O. 1970,
c. 284

4.—(1) The affairs of the Corporation are under the management and control of the members for the time being of the Corporation, and the chairman shall preside at all meetings of the Corporation and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform the duties of the chairman.

Manage-
ment

Administra-
tion

(2) The Corporation shall be assisted in the administration of its affairs by such officers and other employees in the public service of the Province of Ontario as the Treasurer of Ontario may assign for the purpose.

Remunera-
tion

(3) The Corporation may pay such of its members as are not officers in the public service of the Province of Ontario such remuneration and expense allowance as are from time to time fixed by the Lieutenant Governor in Council. 1966, c. 101, s. 4.

Borrowing
powers

5.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time borrow or raise by way of loan such sums of money as the Corporation may consider requisite for any of the purposes of the Corporation in any one or more, or partly in one and partly in another, of the following ways:

- (a) by the issue and sale of debentures, bills or notes of the Corporation in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable as to principal and interest at such time or times, in such currency or currencies and at such place or places as the Corporation may determine; and
- (b) by temporary loans or loans from any chartered bank or banks or from any person either by way of bank overdraft or loan or in other manner whatsoever as the Corporation may determine.

Purposes of
Corporation

(2) The purposes of the Corporation, without limiting the generality thereof, include,

- (a) the carrying out of the object of the Corporation mentioned in section 3;
- (b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money raised by way of loan or of any securities issued by the Corporation;
- (c) the repayment in whole or in part of any advances made by the Province of Ontario to the Corporation or of any securities of the Corporation issued and delivered to the Treasurer of Ontario in respect of any advances; and
- (d) the payment of the whole or any part of any obligation, liability or indebtedness of the Corporation.

Sale, etc.,
of Cor-
poration's
securities

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may sell any debentures, bills or notes of the Corporation either at, or at less or more than, the par value thereof, and may charge, pledge or otherwise deal with any such debentures, bills or notes as collateral security.

(4) A recital or declaration in any resolution or minute of the Corporation authorizing the issue and sale of debentures, bills or notes of the Corporation to the effect that it is necessary to issue and sell such debentures, bills or notes for the purpose of the Corporation in the amount authorized is conclusive evidence to that effect.

Authoriza-
tion

(5) Debentures, bills or notes of the Corporation shall be sealed with the seal of the Corporation and may be signed by the chairman or vice-chairman of the Corporation and by the treasurer or any other officer of the Corporation, and any interest coupon that may be attached to any debenture, bill or note of the Corporation may be signed by the treasurer or any other officer of the Corporation.

Sealing,
signing,
etc.

(6) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture, bill or note and any signature upon any debenture, bill or note and upon any coupon may be engraved, lithographed, printed or otherwise mechanically reproduced, and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed, and any such signature is for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office. 1966, c. 101, s. 5.

Mechanical
reproduc-
tion of
seal and
signature
authorized

6. Any debenture, bill or note of the Corporation may be made redeemable in advance of maturity at such time or times, at such price or prices and on such terms and conditions as the Corporation may determine at the time of the issue thereof. 1966, c. 101, s. 6.

Securities of
Corporation
redeemable
in advance

7. Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the Corporation may provide for its replacement on such terms as to evidence and as to indemnity as the Corporation may require. 1966, c. 101, s. 7.

Lost
debentures

8.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of Ontario of any debentures, bills or notes issued by, or of any temporary loan made to, the Corporation under the authority of this Act.

Guarantee
of payment
by Province

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant Governor in Council.

Form of
guaranty

(3) Every guaranty given or purporting to be given under the authority of this section in binding upon the Province of Ontario and is not open to question upon any ground whatsoever.

Validity of
guaranty

Guaranteed
debentures,
etc., to be
indefeasible

(4) Any debenture, bill or note issued by or any temporary loan made to the Corporation, payment whereof is guaranteed by the Province of Ontario under this section, is valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question on any ground whatsoever. 1966, c. 101, s. 8.

Trustees,
etc.,
investments
in debentures

9. Notwithstanding anything in any other Act, debentures issued by the Corporation are at all times a lawful investment for municipal, school and trust funds. 1966, c. 101, s. 9.

Purchase of
municipal
debentures

10.—(1) The Corporation, with the approval of the Lieutenant Governor in Council, may from time to time purchase from any municipality debentures issued by the municipality for a purpose specified in section 3. 1966, c. 101, s. 10 (1); 1967, c. 63, s. 2.

Approval
and validation
required

(2) The Corporation shall not purchase any municipal debentures under the authority of this Act until,

R.S.O. 1970,
c. 323

(a) the Ontario Municipal Board has issued its order pursuant to section 64 of *The Ontario Municipal Board Act* authorizing the municipality to proceed with the undertaking with respect to which the debentures are required; and

(b) the municipality has had the debentures validated by the Ontario Municipal Board under sections 58 to 60 of *The Ontario Municipal Board Act*.

Rate of
interest

(3) The effective rate of interest at which the Corporation purchases debentures shall be as determined from time to time by the Lieutenant Governor in Council. 1966, c. 101, s. 10 (2, 3).

Audit

11. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and he shall make an annual report of the audit to the Treasurer of Ontario, and the Treasurer shall table the report in the Assembly if it is in session or, if not, at the next ensuing session. 1966, c. 101, s. 11.

Sale of
Corporation's
securities to
Province and
provincial
advances to
Corporation
authorized

12.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario,

(a) to purchase any debentures, bills or notes of the Corporation; and

(b) to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may consider expedient.

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund. 1966, c. 101, s. 12. Idem

13. The Lieutenant Governor in Council may make such regulations with respect to the Corporation as he considers necessary for carrying out the purposes of this Act. 1966, c. 101, s. 13. Regulations

14. The Treasurer of Ontario shall administer this Act and any regulations made under this Act. 1966, c. 101, s. 14. Administration

CHAPTER 311

The Ontario Educational
Communications Authority Act

1. In this Act,

(a) “Authority” means The Ontario Educational Communications Authority;

(b) “Board” means the board of directors of the Authority;

(c) “Minister” means the Minister of Education. 1970, c. 23, s. 1.

Interpre-
tation
- 2.—(1) The Ontario Educational Communications Authority is continued as a corporation without share capital, consisting of thirteen members, one of whom shall be the Chairman, and of the remaining twelve members, not fewer than three and not more than four shall be members of the public service of Ontario. 1970, c. 23, s. 2 (1), *amended*.

Authority
continued
- (2) The members of the Authority, including the Chairman, shall be appointed by the Lieutenant Governor in Council to hold office for not more than three years but may be reappointed by the Lieutenant Governor in Council, and at least three members shall retire each year.

Appointment
of members
- (3) The members for the time being of the Authority form and are its board of directors.

Board of
directors
- (4) The Chairman of the Authority shall be the Chairman of the Board, and the Lieutenant Governor in Council may from time to time designate one of the other members as Vice-Chairman of the Board and prescribe his duties.

Chairman
and Vice-
Chairman of
the Board
- (5) A director, other than the Chairman, may be paid such fees for attendance at meetings of the Authority as may be fixed by the Lieutenant Governor in Council, and all directors are entitled to be paid their actual travelling and living expenses necessarily incurred on the business of the Authority.

Fees and
expenses
- (6) Seven directors constitute a quorum for meetings of the Board.

Quorum
- (7) Meetings of the Board or of the members of the Authority shall be held at the call of the Chairman, or in the absence or incapacity of the Chairman or if the office of Chairman is vacant, in such other manner as may be prescribed by the by-laws of the

Meetings

Authority, but in no case shall more than four months elapse between meetings of the Board.

Head Office (8) The head office of the Authority shall be at The Municipality of Metropolitan Toronto, or such other place in Ontario as the Lieutenant Governor in Council may designate.

Fiscal year (9) The fiscal year of the Authority begins on the 1st day of April and ends on the 31st day of March in the following year. 1970, c. 23, s. 2 (2-9).

Objects of Authority

3. The objects of the Authority are,

- (a) to initiate, acquire, produce, distribute, exhibit or otherwise deal in programs and materials in the educational broadcasting and communications fields;
- (b) to engage in research in those fields of activity consistent with the objects of the Authority under clause *a*; and
- (c) to discharge such other duties relating to educational broadcasting and communications as the Board considers to be incidental or conducive to the attainment of the objects mentioned in clauses *a* and *b*. 1970, c. 23, s. 3.

Acquisition of land

4. Subject to the approval of the Lieutenant Governor in Council, the Authority may,

- (a) acquire by purchase, lease or otherwise; and
- (b) sell or otherwise dispose of,

any land or any interest in land. 1970, c. 23, s. 4.

By-laws, making

5.—(1) Subject to subsections 2 and 3, the Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Authority.

Filing

(2) All by-laws of the Authority shall be filed with the Minister provided, however, that no by-law shall take effect until the expiration of two weeks from the date of filing.

Amendment

(3) The Lieutenant Governor in Council may amend or revoke any by-law provided that any such amendment or revocation shall not prejudice the rights of any person dealing with the Authority. 1970, c. 23, s. 5.

Chief executive officer

6.—(1) The Chairman is the chief executive officer of the Authority and shall be paid such salary as the Lieutenant Governor in Council determines.

Staff

(2) The Board may employ such persons and retain such technical and professional consultants as it considers necessary for the conduct of the affairs of the Authority at such remuneration and upon such terms as the Board approves.

(3) The officers and employees of the Authority are not Crown employees, and the provisions of *The Labour Relations Act* apply to them and to the Authority. 1970, c. 23, s. 6. Application of R.S.O. 1970, c. 232

7.—(1) The Authority has the following powers incidental and ancillary to its objects, Powers of Authority

- (a) to enter into operating agreements with the appropriate agency or agencies of the Government of Canada and with broadcasting stations or networks for the broadcasting of educational programs;
- (b) to enter into contracts with any person in connection with the production, presentation or distribution of the programs and materials of the Authority;
- (c) to acquire, publish, distribute and preserve, whether for a consideration or otherwise, such audio-visual materials, papers, periodicals and other literary matter as relate to any of the objects of the Authority;
- (d) to make arrangements or enter into agreements with any person for the use of any rights, privileges or concessions that the Authority may consider necessary for the purposes of carrying out its objects.

(2) Except as provided in subsection 3, subsection 1 of section 24 of *The Corporations Act* applies to the Authority. Application of R.S.O. 1970, c. 89

(3) Clauses *a, b, d, e, g, h, j, k, m, p, q, r, t, u* and *v* of subsection 1 of section 24, and sections 304 and 305 of *The Corporations Act* do not apply without the approval of the Lieutenant Governor in Council. 1970, c. 23, s. 7. Idem

8. The Authority may provide compensation for services performed by way of remuneration and employee benefits which the Authority may from time to time consider appropriate, to or for the benefit of any of the persons mentioned in section 6, or any class or classes of them, as well as any other persons who may be entitled thereunder, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Authority, or both or otherwise. 1970, c. 23, s. 8. Employee benefits

9. The Authority shall appoint such regional councils and such advisory committees as it considers necessary to advise it in developing the policy and operations of the Authority, and may pay the members thereof such fees for attending meetings as may be fixed by the Treasury Board of Ontario and such members are entitled to be paid their reasonable travelling and living expenses necessarily incurred on the business of a committee. 1970, c. 23, s. 9. Advisory committees

Bank
accounts

10.—(1) The Authority shall maintain in its own name one or more accounts in The Province of Ontario Savings Office or in one or more chartered banks or in one or more trust companies registered under *The Loan and Trust Corporations Act*.

R.S.O. 1970,
c. 254

Deposits in
trust
company

(2) The total deposits of the Authority in any trust company shall not exceed at any one time 3 per cent of the paid-in capital plus surplus and reserves of the trust company.

Moneys of
Authority
to be de-
posited in
bank
accounts

(3) Subject to subsection 3 of section 15, all moneys received by the Authority through the conduct of its operations or otherwise shall be deposited to the credit of accounts established under subsection 1, and shall be administered by the Authority exclusively in carrying out its objects. 1970, c. 23, s. 10.

Audit

11. The accounts and financial transactions of the Authority shall be audited annually by the Provincial Auditor or such other auditor or auditors as the Lieutenant Governor in Council may appoint, and a report of the audit shall be made to the Authority and to the Minister. 1970, c. 23, s. 11.

Annual
report

12.—(1) The Board shall make an annual report to the Minister upon the affairs of the Authority, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Further
reports

(2) The Authority shall make such further reports to the Minister as the Minister may from time to time require. 1970, c. 23, s. 12.

Issue of
securities

13.—(1) With the approval of the Lieutenant Governor in Council, the Authority may borrow money for purchasing or otherwise acquiring real or personal property, for making improvements, or for any of the objects of the Authority, and may issue bonds, debentures, notes or other securities to provide for the repayment of any moneys so borrowed, and such securities may be payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such interest, as the Authority may consider proper.

Guarantee-
ing securities

(2) The Lieutenant Governor in Council may authorize the Treasurer of Ontario and Minister of Economics for and on behalf of Ontario to guarantee the payment of any securities issued by the Authority for any of the purposes mentioned in subsection 1.

Form of
guaranty

(3) The form of guaranty and the manner of its execution shall be determined by the Lieutenant Governor in Council. 1970, c. 23, s. 13.

Purchase of
securities by
Province

14.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario and Minister of Economics,

- (a) to purchase any securities of the Authority; and
- (b) to make advances to the Authority in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may consider expedient.

(2) The moneys required for the purposes of this section shall be paid out of the Consolidated Revenue Fund. 1970, c. 23, s. 14. Idem

15.—(1) The cost of the establishment, maintenance and conduct of the Authority shall be payable out of moneys appropriated therefor by the Legislature. Cost

(2) All moneys received by the Authority shall be applied in the discharge of its duties and obligations. Application of revenue

(3) Any surplus moneys shall, on the order of the Lieutenant Governor in Council, be paid into and form part of the Consolidated Revenue Fund. 1970, c. 23, s. 15. Surplus money

CHAPTER 312

The Ontario Energy Board Act**1. In this Act,**Interpre-
tation

1. “associate” means a person, whether directly or indirectly through one or more intermediaries,
 - i. who has the power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company,
 - ii. whose management and policies any gas transmitter, distributor or storage company has the power to direct or to cause to be directed,
 - iii. whose management and policies any other person has the power to direct or to cause to be directed, provided that such other person has such power to direct or to cause to be directed the management and policies of any gas transmitter, distributor or storage company;
2. “Board” means the Ontario Energy Board;
3. “construct” means construct, reconstruct, relocate, enlarge or extend;
4. “distributor” means a person who supplies gas, fuel, oil or propane to a consumer, and “distributing” and “distribution” have corresponding meanings;
5. “fuel oil” means any liquid hydrocarbon within the meaning from time to time of the Canadian Government Specifications Board specification 3-GP-2 entitled FUEL OIL, 3-GP-3 entitled Kerosine, 3-GP-6 entitled DIESEL FUEL, or, when used for heating, cooking or lighting, within the meaning from time to time of 3-GP-27 entitled LIGHTING NAPHTHA;
6. “gas” means natural gas, manufactured gas, propane-air gas or any mixture of any of them;
7. “land” includes any interest in land;
8. “manufactured gas” means any artificially produced fuel gas, except acetylene and any other gas used principally in welding or cutting metals;
9. “Minister” means the Minister of Mines and Northern Affairs;

R.S.O. 1970,
c. 225

10. "oil" means crude oil, and includes any hydrocarbon that can be recovered in liquid form from a pool through a well;
11. "owner" includes a person who is a mortgagee, lessee, tenant and occupant of land and a guardian, committee, executor, administrator or trustee in whom land is vested;
12. "person", in addition to its meaning in *The Interpretation Act*, includes a municipality;
13. "pipe line" means a pipe that carries a hydrocarbon, other than undiluted liquefied petroleum gas, and includes every part thereof and adjunct thereto;
14. "pool" means an underground accumulation of oil or natural gas or both, separated or appearing to be separated from any other such underground accumulation;
15. "producer" means a person who has the right to remove gas or oil from a well, and "produce" and "production" have corresponding meanings except when referring to documents or records;
16. "propane" means a hydrocarbon consisting of 95 per cent or more of propane, propylene, butane or butylene, or any blend thereof;
17. "regulations" means the regulations made under this Act;

R.S.O. 1970,
c. 148

18. "spacing unit" means a surface area established by a regulation made under *The Energy Act* or a predecessor thereof for the purpose of drilling for, or the production of, oil or gas, and includes the subsurface specified by the regulation;
19. "station" means a compressor station, a metering station, an odorizing station or a regulating station;
20. "storage company" means a person engaged in the business of storing gas;
21. "transmission line" means a pipe line, other than a production line, a distribution line, a pipe line within an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal or station;
22. "transmitter" means a person who carries a hydrocarbon by transmission line, and "transmit" and "transmission" have corresponding meanings;
23. "utility line" means a pipe line, a telephone, telegraph, electric power or water line, or any other line that supplies a service or commodity to the public;

24. "well" means a hole drilled into a geological formation of Cambrian or more recent age, except a hole where no gas or oil is encountered that is drilled for the production of fresh water or salt. 1964, c. 74, s. 1; 1967, c. 64, s. 1; 1968-69, c. 81, s. 1; 1970, c. 60, s. 1.

PART I

THE BOARD

2.—(1) The Ontario Energy Board shall continue to consist of not fewer than three and not more than five members as the Lieutenant Governor in Council may from time to time determine. Board,
composition

(2) The members of the Board shall be appointed by the Lieutenant Governor in Council, and one of them shall be designated chairman and one or more of them may be designated vice-chairmen. appoint-
ment

(3) Vacancies in the membership of the Board caused by death, resignation or otherwise may be filled by the Lieutenant Governor in Council. vacancies

(4) Two members of the Board form a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board whether or not a vacancy in the membership of the Board exists. 1964, c. 74, s. 2. quorum

3.—(1) A secretary of the Board and such assistant secretaries as are considered necessary may be appointed under *The Public Service Act*. Secretary
R.S.O. 1970
c. 386

(2) Where the office of secretary is vacant or in his absence or inability to act, the Board may designate a member of the Board or an assistant secretary to act *pro tempore* as secretary. 1964, c. 74, s. 3. Acting
secretary

4. The staff of the Board shall consist of such officers and employees as are considered necessary. 1964, c. 74, s. 4. Staff

5. Every member of the Board and its secretary has, for the purposes of this Act and every other Act under which the Board functions, the same powers as a commissioner for taking affidavits in Ontario. 1964, c. 74, s. 5. Power to
administer
oaths

6.—(1) No member of the Board or its secretary or any of its staff shall be required to give testimony in any proceedings with regard to information obtained by him in the discharge of his official duties. Protection
from being
called as
witnesses

Protection
from
personal
liability

(2) No member of the Board or its secretary or any of its staff is personally liable for anything done by it or by him under the authority of this or any other Act. 1964, c. 74, s. 6.

Certified
copies

7. Upon application of any person and upon payment of the prescribed fee, a member of the Board or the secretary shall certify and deliver to such person a true copy of any order or reasons for decision of the Board. 1964, c. 74, s. 7.

Assistance

8. The Lieutenant Governor in Council may appoint from time to time one or more persons having technical or special knowledge of any matter in question to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it. 1964, c. 74, s. 8.

Annual
report

9.—(1) The Board shall make a report annually to the Minister containing such information as the Minister may require.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1964, c. 74, s. 9.

Money

10. The moneys required for the purposes of the Board shall be paid out of the moneys that are appropriated therefor by the Legislature. 1964, c. 74, s. 10.

Seal

11.—(1) The Board shall adopt an official seal.

Signing of
orders

(2) All orders made by the Board shall be signed by the chairman, a vice-chairman, the secretary or an assistant secretary and sealed with the seal of the Board, and, when purporting to be so signed and sealed, shall be judicially noticed without further proof.

R.S.O. 1970,
c. 410, not
to apply

(3) *The Regulations Act* does not apply to the orders of the Board. 1964, c. 74, s. 11.

Assignment
of authority

12. No authority given by the Board under this or any other Act shall be assigned without the leave of the Board. 1964, c. 74, s. 12.

Power to
determine
law and
fact

13.—(1) The Board has in all matters within its jurisdiction authority to hear and determine all questions of law and of fact. 1964, c. 74, s. 13 (1).

Applications

(2) Subject to section 26 and subsection 2 of section 36, where a proceeding before the Board is commenced by the filing of an application, the Board shall proceed by order. 1964, c. 74, s. 13 (2); 1968-69, c. 81, s. 2.

(3) Where a proceeding before the Board is commenced by a References reference to the Board by the Minister, the Board shall proceed in accordance with the reference.

(4) Where a proceeding before the Board is commenced by Orders in council requirement of the Lieutenant Governor in Council, the Board shall proceed in accordance with the requirement. 1964, c. 74, s. 13 (3, 4).

(5) The Board of its own motion may, and upon the request of the Lieutenant Governor in Council shall, inquire into, hear and determine any matter that under this Act or the regulations it may upon an application inquire into, hear and determine, and in so doing the Board has and may exercise the same powers as upon an application. 1967, c. 64, s. 2. Additional powers and duties as on applications

(6) The Board has exclusive jurisdiction in all cases and in Jurisdiction exclusive respect of all matters in which jurisdiction is conferred on it by this or any other Act. 1964, c. 74, s. 13 (5).

14. The Board for the due exercise of its jurisdiction and powers and otherwise for carrying into effect this or any other Act has all such powers, rights and privileges as are vested in the Supreme Court with respect to the amendment of proceedings, addition or substitution of parties, attendance and examination of witnesses, production and inspection of documents, entry on and inspection of property, enforcement of its orders and all other matters necessary or proper therefor. 1964, c. 74, s. 14. Powers of Supreme Court exercisable by Board

15.—(1) The Board may at any time on its own motion and without a hearing approve the form of a document or give directions or require the preparation of evidence incidental to the exercise of the powers conferred upon the Board by this or any other Act. Board's powers, miscellaneous

(2) The Board, if it is satisfied that the special circumstances of the case so require or that the delay necessary to give notice of an application might entail serious mischief, may make an *ex parte* order respecting the practice and procedure in any proceeding before it. 1964, c. 74, s. 15 (1, 2). ex parte orders

(3) Subject to subsections 1 and 2 of this section, subsection 11 of section 19, subsection 2 of section 22, section 23 and subsection 3 of section 38 of this Act and to *The Energy Act* and any predecessor thereof, the Board shall not make any order or proceed in accordance with any reference or order in council under this or any other Act until it has held a hearing upon notice in such manner and to such persons as the Board may direct. 1964, c. 74, s. 15 (3); 1968-69, c. 81, s. 3. Hearing upon notice R.S.O. 1970, c. 148

(4) Every proceeding before the Board shall be open to the public. Proceedings, public

- place of (5) The Board may hear any application or deal with any matter at any place in Ontario that it appoints.
- use of court house (6) Where sittings of the Board are to be held in a municipality in which a court house is situate, the Board and its members have in all respects the same authority and right as a judge of the Supreme Court with respect to the use of the court house and any part thereof and of other buildings and rooms set aside in the municipality for the administration of justice.
- use of municipal hall (7) Where sittings of the Board are to be held in a municipality in which there is a hall belonging to the corporation thereof, but no court house, the corporation shall, upon request, allow such sittings to be held in such hall and shall make all arrangements necessary and suitable for such purpose.
- adjournment and interim orders (8) The Board may adjourn any proceeding from time to time and may make interim orders pending the final disposition of the matter before it. 1964, c. 74, s. 15 (4-8).
- Terms and conditions of orders **16.** The Board in making an order may impose such terms and conditions as it considers proper, and an order may be general or particular in its application. 1964, c. 74, s. 16.
- Reasons for decision **17.**—(1) Where an application has been opposed, the Board shall prepare written reasons for its decision.
- Idem (2) Where an application has been unopposed, the Board may, and at the request of the applicant shall, prepare written reasons for its decision.
- Idem (3) All written reasons of the Board shall be kept by the secretary or an assistant secretary and made available to any person upon payment of the prescribed fee. 1964, c. 74, s. 17.
- Obedience to orders of Board a good defence **18.** An order of the Board is a good and sufficient defence to any action or other proceeding brought or taken against any person in so far as the act or omission that is the subject of such action or other proceeding is in accordance with the order. 1964, c. 74, s. 18.
- Rates **19.**—(1) Subject to the regulations, the Board may make orders approving or fixing just and reasonable rates and other charges for the sale of gas by transmitters, distributors and storage companies, and for the transmission, distribution and storage of gas. 1964, c. 74, s. 19 (1).
- Board to determine rate base (2) In approving or fixing rates and other charges under subsection 1, the Board shall determine a rate base for the transmitter, distributor or storage company, and shall determine whether the return on the rate base produced or to be produced by such rates and other charges is reasonable. 1968-69, c. 81, s. 4 (1).

(3) The rate base to be determined by the Board under subsection 2 shall be the total of, Formula for determining rate base

- (a) a reasonable allowance for the cost of the property that is used or useful in serving the public, less an amount considered adequate by the Board for depreciation, amortization and depletion;
- (b) a reasonable allowance for working capital; and
- (c) such other amounts as, in the opinion of the Board, ought to be included.

(4) In determining the reasonable allowance for the cost of the property under clause *a* of subsection 3, the Board shall ascertain the actual cost of the property to the present owner, but, Idem, cost of property

- (a) where the actual cost to the present owner of any of the property cannot be ascertained, the Board shall determine a reasonable allowance to be included in the rate base for the cost of that property; and
- (b) where in the opinion of the Board the actual cost to the present owner of any of the property is more than a reasonable allowance for inclusion in the rate base for the cost of that property, the Board shall determine a reasonable allowance to be included in the rate base for the cost of that property.

(5) In considering whether the actual cost mentioned in subsection 4 exceeds a reasonable allowance for inclusion in the rate base and in determining the appropriate deductions to be made in respect of any such excess, the Board may consider all matters it considers relevant, including the public benefit resulting from the acquisition of the property, whether the acquisition at the price paid was prudent in the circumstances existing at the time and, where the property was acquired as an operating system or part thereof, the allowance made for its cost in the rate base of the former owner or, if no such rate base had been determined that included an allowance for the cost thereof, the allowance that would have been made therefor in a rate base for the former owner determined in accordance with this section. Idem

(6) Findings of fact on which determinations are made by the Board under subsections 2, 3, 4 and 5 shall be based on the evidence adduced at the hearing. 1968-69, c. 81, s. 4 (2). Findings of fact

(7) Notwithstanding anything to the contrary, the Board may dispense with the determination of a rate base, Where rate base may be dispensed with

- (a) in the case of a transmitter, distributor or storage company that has been carrying on business by itself and by its predecessor, if any, for less than two years;
- (b) in the case of the approval or fixing of rates or other charges that, in the opinion of the Board, are of limited

application and will not materially affect the revenues and expenditures of the transmitter, distributor or storage company; or

- (c) in the case of an order under subsection 8 of section 15 or subsection 11 of this section. 1964, c. 74, s. 19 (2).

Prohibition
as to sale,
etc., of gas

(8) Subject to the regulations, no transmitter, distributor or storage company shall sell gas or charge for the transmission, distribution or storage of gas except in accordance with an order of the Board, which is not bound by the terms of any contract entered into prior to the 1st day of January, 1965. 1964, c. 74, s. 19 (3), *amended*.

Burden of
proof

(9) Subject to subsection 12, at any hearing with respect to rates or other charges for the sale, transmission, distribution or storage of gas, the burden of proof is on the applicant. 1964, c. 74, s. 19 (4).

Orders on
applications

(10) Upon an application for an order approving or fixing rates or other charges, the Board may after a hearing, if it is not satisfied that the rates or other charges applied for are just and reasonable, fix such other rates or charges as it finds to be just and reasonable. 1967, c. 64, s. 3 (1).

Interim
rate orders

(11) The Board may, at the request of any applicant, without a hearing, make one or more orders under subsection 1, each effective for a period of not more than one year, pending a final disposition of the application,

- (a) where the rates or other charges proposed in the application are the initial rates or other charges for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company in the municipality or area named in the application;
- (b) where, after notice of the application has been given in accordance with the regulations, no one has filed an answer within the time limited therefor;
- (c) where the application is for approving or fixing prompt-payment discounts or delayed-payment penalties;
- (d) where the transmitter, distributor or storage company is selling, transmitting, distributing or storing gas, as the case may be, at a loss; or
- (e) where the application does not contain a request for an increase in the rates or other charges then being charged for the sale, transmission, distribution or storage of gas by the transmitter, distributor or storage company. 1964, c. 74, s. 19 (5).

Other rate
orders

(12) Where the Board of its own motion, or upon the request of the Lieutenant Governor in Council, holds a hearing for the purpose of inquiring into and determining whether any of the

rates or other charges for the sale, transmission, distribution or storage of gas by any transmitter, distributor or storage company are just and reasonable, the Board shall, after such hearing, make an order under subsection 1, and in any such hearing the burden of establishing that such rates or other charges are just and reasonable is on the transmitter, distributor or storage company, as the case may be. 1967, c. 64, s. 3 (2).

(13) This section does not apply to any municipality or municipal public utility commission transmitting or distributing gas under *The Public Utilities Act*. 1964, c. 74, s. 19 (7). Where section does not apply R.S.O. 1970, c. 390

20. No person shall inject gas for storage into a geological formation unless the geological formation is within a designated gas storage area and unless, in the case of gas storage areas designated after the 31st day of January, 1962, authorization so to do has been obtained under section 21 or its predecessor. 1964, c. 74, s. 20. Prohibition

21.—(1) The Board by order may authorize a person to inject gas into, store gas in and remove gas from a designated gas storage area, and to enter into and upon the land in the area and use the land for such purposes. Authority to store

(2) Subject to any agreement with respect thereto, the person authorized by an order under subsection 1, Right to compensation

(a) shall make to the owners of any gas or oil rights or of any right to store gas in the area fair, just and equitable compensation in respect of such gas or oil rights or such right to store gas; and

(b) shall make to the owner of any land in the area fair, just and equitable compensation for any damage necessarily resulting from the exercise of the authority given by such order. 1964, c. 74, s. 21 (1, 2).

(3) No action or other proceeding lies in respect of compensation payable under this section and, failing agreement, the amount thereof shall be determined by the Board. Determination of amount of compensation

(4) An appeal within the meaning of section 32 of *The Expropriations Act* lies from a determination of the Board under subsection 3 to the Court of Appeal, in which case that section applies and section 33 of this Act does not apply. 1968-69, c. 81, s. 5, *amended*. Appeal R.S.O. 1970, c. 154

22.—(1) Upon the application of a transmitter or distributor, the board, by order, may direct a storage company having storage capacity and facilities that are not in full use to provide all or part of such storage capacity and facilities for the applicant upon such terms and conditions as may be determined by the Board. Allocation of surplus storage facilities

Gas storage
agreements
to be
approved

(2) No storage company shall on or after the 1st day of January, 1965 enter into any agreement or renew any agreement with a transmitter or distributor with respect to the storage of gas unless,

- (a) the parties to the agreement or renewal;
- (b) the period for which the agreement or renewal is to be in operation; and
- (c) the storage that is the subject of the agreement or renewal,

have first been approved by the Board with or without a hearing. 1964, c. 74, s. 22, *amended*.

Applications
to drill
well to be
referred to
Board

23.—(1) The Minister shall refer every application for a permit to bore, drill or deepen a well in a designated gas storage area to the Board, and the Board shall report to the Minister thereon, but, where the applicant does not have authority to store gas in the area or where, in the opinion of the Board, the special circumstances of the case so require, the Board shall hold a hearing before reporting to the Minister, and in either event the Minister shall grant or refuse to grant the permit in accordance with the report. 1964, c. 74, s. 23.

Copy of
report to be
sent to
parties

(2) The Board shall send to each of the parties a copy of its report to the Minister made under subsection 1 within ten days after submitting it to the Minister and such report shall be deemed to be a decision of the Board within the meaning of section 34. 1968-69, c. 81, s. 6, *amended*.

Allocation
of market
demand and
joining
interests
in spacing
units and
pools

24. The Board by order may,

- (a) allocate a just and equitable share of the market demands for gas or oil to the several sources from which such gas or oil is produced and to the several interests within a field or pool;
- (b) require the joining of the various interests within a spacing unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation; or
- (c) require and regulate the joining of the various interests within a field or pool for the purpose of drilling or operating wells, the designation of management and the apportioning of the costs and the benefits of such drilling or operation. 1964, c. 74, s. 24.

Discon-
tinuation of
gas supply
R.S.O. 1970,
cc. 390, 148

25. Subject to *The Public Utilities Act* and to *The Energy Act*, and in the absence of an agreement to the contrary between the parties affected, no transmitter shall voluntarily discontinue transmitting gas to a distributor without the leave of the Board,

and no distributor shall voluntarily discontinue distributing gas by pipe line to a consumer without the leave of the Board. 1964, c. 74, s. 25.

26.—(1) No gas transmitter, gas distributor or storage company, without first obtaining the leave of the Lieutenant Governor in Council, shall,

Disposition
of gas
systems
and
acquisition
of share
control

- (a) sell, lease, convey or otherwise dispose of its gas transmission, gas distribution or gas storage system, or any part thereof that is used or useful in serving the public, as an entirety or substantially as an entirety;
- (b) amalgamate with any other company; or
- (c) acquire such number of any class of shares that, together with shares already held by the gas transmitter, gas distributor or storage company and its associates will in the aggregate exceed 20 per cent of the shares outstanding of that class of a gas transmitter, gas distributor or storage company.

(2) Subsection 1 does not apply to a mortgage or charge to secure any loan or indebtedness or to secure any bond, debenture or other evidence of indebtedness.

Mortgages

(3) An application for leave under subsection 1 shall be made to the Board, which shall hold a public hearing and submit its report and opinion to the Lieutenant Governor in Council. 1968-69, c. 81, s. 7.

Public
hearing

27. The Board may order the payment of money out of the Abandoned Works Fund under *The Energy Act*. 1964, c. 74, s. 26.

Payment
out of
Fund
R.S.O. 1970,
c. 148

28.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may,

Rules and
regulations
of Board

- (a) make rules regulating its practice and procedure;
- (b) prescribe classes of distributors, transmitters and storage companies;
- (c) require and provide for the making of returns, statements or reports by any class of distributors, transmitters or storage companies, or any associates thereof, in such form, and containing such matters and verified in such manner, as the Board may prescribe;
- (d) prescribe a uniform system of accounts applicable to any class of distributors, transmitters or storage companies.

(2) Any uniform system of accounts prescribed under clause d of subsection 1 may require the approval, consent or determination

Idem,
uniform
system of
accounts

tion of the Board in respect of any of the matters provided for in such system. 1965, c. 83, s. 2.

Costs **29.**—(1) The costs of and incidental to any proceeding before the Board are in its discretion and may be fixed in any case at a sum certain or may be taxed.

Idem (2) The Board may order by whom and to whom any costs are to be paid and by whom they are to be taxed and allowed.

Idem (3) The Board may prescribe a scale under which such costs shall be taxed.

Idem (4) In this section, the costs may include the costs of the Board, regard being had to the time and expenses of the Board. 1964, c. 74, s. 28.

Enforce-
ment of
orders **30.**—(1) A certified copy of any order made by the Board, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Effect of
filing (2) Any order so filed may be rescinded or varied by the Board at any time in the manner provided in section 31.

Direction
to sheriff (3) An order of the Board requiring a person to pay money to the Board, to any party to a proceeding before the Board or to any other person as costs or otherwise may be enforced by a written direction from the Board to the sheriff of any county or district endorsed upon or annexed to a certified copy of the order.

Effect of
direction (4) The sheriff receiving such a direction shall levy the amount named therein with his costs and expenses in like manner and with the same power as if the endorsed order were an execution issued out of the Supreme Court against the goods of the person named in the order, and the order so endorsed constitutes a lien and charge upon the property, real or personal, or the interest therein of the person named in the order, that is situate in such county or district to the same extent and in the same manner as the property would be bound by the filing with the sheriff of an execution issued after judgment of the Supreme Court.

Land titles (5) Where the person named in any such order holds lands or any interest therein that is registered in a land titles office, the Board may register a certified copy of the order with the proper master of titles, and, when so registered, it constitutes a lien and charge upon the land to the same extent and in the same manner as an execution issued after judgment in the Supreme Court and registered with the proper master of titles.

Idem (6) The amount ordered to be paid by any order registered under subsection 5 may be realized in the same manner and by the same proceedings *mutatis mutandis* as the amount of any registered execution of the Supreme Court. 1964, c. 74, s. 29.

31. The Board may at any time and from time to time rehear or review any application before deciding it, and may by order rescind or vary any order made by it. 1964, c. 74, s. 30. Power to review

32.—(1) The Board may, at the request of the Lieutenant Governor in Council or of its own motion or upon the application of any party to proceedings before the Board and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law. Stated case

(2) The Court of Appeal shall hear and determine the stated case and remit it to the Board with the opinion of the court thereon. 1964, c. 74, s. 31. Idem

33.—(1) An appeal lies to the Court of Appeal from any order of the Board upon a question of law or jurisdiction, but no such appeal lies unless leave to appeal is obtained from the court within one month of the making of the order sought to be appealed from or within such further time as the court under the special circumstances of the case allows. Appeal to Court of Appeal

(2) The Board is entitled to be heard by counsel or otherwise upon the argument of any such appeal. Board may be heard

(3) The Court of Appeal shall certify its opinion to the Board and the Board shall make an order in accordance with such opinion, but in no case shall such order be retroactive in its effect. Board to act on court's opinion

(4) The Supreme Court may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and make rules of practice respecting such appeals, but, until such rules are made, the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section. Costs, rules of practice

(5) The Board, or any member thereof, is not liable for costs in connection with any appeal or application for leave to appeal under this section. Board not liable for costs

(6) Every order made under section 19 takes effect at the time prescribed in the order, and its operation is not suspended by an appeal. 1964, c. 74, s. 32. Order to take effect notwithstanding appeal

34. Upon the petition of any party or person interested, filed with the Clerk of the Executive Council within sixty days after the date of any order or decision of the Board, the Lieutenant Governor in Council may, Lieutenant Governor in Council may confirm, vary or rescind orders

- (a) confirm, vary or rescind the whole or any part of such order or decision; or
- (b) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause *b* is not subject to petition under this section. 1964, c. 74, s. 33 (1).

Offences

35.—(1) Every person who contravenes any provision of this Act or the regulations or any order of the Board is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$2,000 for each day over which the offence continues or to imprisonment for a term of not more than two years less a day, or to both.

Permission
of the
Minister

(2) No information may be laid under this section without the written permission of the Minister in the form prescribed by the regulations. 1964, c. 74, s. 34.

Regulations

36.—(1) The Lieutenant Governor in Council may make regulations,

- (a) limiting, restricting or taking away any rights to use or consume gas without charge or at a reduced rate;
- (b) requiring the Board to approve or fix rates or other charges under section 19;
- (c) providing for compensation procedure for the owners of gas or oil rights and the rights to store gas and for the owners of land who are referred to in subsection 2 of section 21;
- (d) prescribing the duties of the secretary, assistant secretary and officers of the Board;
- (e) prescribing forms and providing for their use;
- (f) prescribing fees payable to the Board;
- (g) upon the recommendation of the Board, designating any area as a gas storage area;
- (h) exempting any person from the operation of or compliance with any provision of this Act;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1964, c. 74, s. 35 (1); 1965, c. 83, s. 3.

Gas storage
areas

(2) An application for a regulation designating a gas storage area shall be made to the Board, which shall hold a hearing thereon and make its recommendation to the Lieutenant Governor in Council. 1964, c. 74, s. 35 (2).

References

37. The Lieutenant Governor in Council may require the Board to examine and report on any question respecting energy that, in the opinion of the Lieutenant Governor in Council, requires a public hearing. 1964, c. 74, s. 36.

PART II

PIPE LINES

38.—(1) No person shall construct a transmission line without first obtaining from the Board an order granting leave to construct the transmission line. 1964, c. 74, s. 37 (1). Leave to construct a transmission line

(2) Subsection 1 does not apply to the relocation or reconstruction of a transmission line unless the size of the line is changed or unless the acquisition of additional land or authority to use additional land is necessary. 1967, c. 64, s. 4. Exception

(3) The Board may, if in its opinion the special circumstances of a particular case so require, without a hearing exempt a person from the requirements of subsection 1. 1964, c. 74, s. 37 (2). Exception

39. Any person may, before he constructs a production line, distribution line or station, apply to the Board for an order granting leave to construct the production line, distribution line or station. 1964, c. 74, s. 38. Leave to construct in other cases

40.—(1) An applicant for an order granting leave to construct a transmission line, production line, distribution line or a station shall file with his application a map showing the general location of the proposed line or station and the municipalities, highways, railways, utility lines and navigable waters through, under, over, upon or across which the proposed line is to pass. 1964, c. 74, s. 39 (1). Route map

(2) Notice of the application shall be given by the applicant in such manner as the Board directs and shall be given to the Department of Agriculture and Food, the Department of Municipal Affairs, the Department of Highways and such persons as the Board may direct. 1964, c. 74, s. 39 (2); 1968-69, c. 81, s. 8. Notice of application

(3) Where an interested person desires to make objection to the application, such objection shall be given in writing to the applicant and filed with the Board within fourteen days after the giving of notice of the application and shall set forth the grounds upon which such objection is based. Objections

(4) A reply to an objection may be given to the objector in writing and filed with the Board within fourteen days after the giving of the objection. Reply

(5) Where an application is opposed, it shall not be heard for at least thirty days after the day on which it was filed with the Board. Hearing

(6) Where an application is unopposed, it shall not be heard for at least fourteen days after the day on which it was filed with the Board. Idem

- Notice of hearing (7) Notice of the time and place fixed by the Board for the hearing shall be given in accordance with subsection 2.
- Power to grant leave (8) Where after the hearing the Board is of the opinion that the construction of the proposed line or station is in the public interest, it may make an order granting leave to construct the line or station.
- Agreements (9) Leave to construct the line or station shall not be granted until the applicant satisfies the Board that it has offered or will offer to each landowner an agreement in a form approved by the Board.
- Right to enter land (10) Any person to whom the Board has granted leave to construct a line or station, his officers, employees and agents, may enter into or upon any land at the intended location of any part of the line or station and may make such surveys and examinations as are necessary for fixing the site of the line or station, and, failing agreement, any damages resulting therefrom shall be determined in the manner provided in section 42. 1964, c. 74, s. 39 (3-10).
- Expropriation **41.**—(1) Any person who has leave to construct a line or station under this Part of a predecessor of this Part may apply to the Board for authority to expropriate land for the purposes of the line or station, and the Board shall thereupon set a date for the hearing of such application, and such date shall be not fewer than fourteen days after the date of the application, and upon such application the applicant shall file with the Board a plan and description of the land required, together with the names of all persons having an apparent interest in the land.
- Procedure (2) The applicant shall serve notice of the application and notice of the hearing on such persons and in such manner as the Board may direct.
- Power to make order (3) Where after the hearing the Board is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land. 1964, c. 74, s. 40 (1-3).
- Determination of compensation R.S.O. 1970, c. 154 **42.** Where compensation for damages is provided for in this Part and is not agreed upon, the procedures set out in clauses *a* and *b* of section 26 of *The Expropriations Act* apply to the determination of such compensation, and such compensation shall be determined under section 27 of that Act or by the Land Compensation Board established under section 28 of that Act. 1968-69, c. 81, s. 10 (1).
- Crossings with leave **43.**—(1) Any person who has leave to construct a line may apply to the Board for authority to construct it upon, under or over a highway, utility line or ditch.

(2) The procedure set forth in subsections 1 and 2 of section 41 applies *mutatis mutandis* to an application under this section. Procedure

(3) Without any other leave and notwithstanding any other Act, where after the hearing the Board is of the opinion that the construction of the line upon, under or over a highway, utility line or ditch, as the case may be, is in the public interest, it may make an order authorizing the applicant so to do upon such terms and conditions as it considers proper. 1964, c. 74, s. 42. Order

44. Any person who has acquired land for the purposes of his line or station by agreement with the owner of the land shall make to the owner of the land due compensation for any damages resulting from the exercise of his rights under the agreement, and, if the compensation is not agreed upon by them, it shall be determined in the manner prescribed by section 42. 1964, c. 74, s. 43. Right to compensation for damages during construction

45. Any person, his servants or agents, who,

- (a) require at any time to enter upon any land to gain access to his right of way established under this Part, or a predecessor thereof, for the purpose of maintaining, repairing, renewing or removing his line or part of it;
- (b) require at any time to enter upon any land to gain access directly to his pipe line or any part thereof for the purpose of effecting emergency repairs to his pipe line,

Right of entry and compensation

have the right to do so without the consent of the owner of the land so entered, and compensation for any damages resulting from the exercise of such right, if not agreed upon by such person and the owner of the land, shall be determined in the manner prescribed by section 42. 1964, c. 74, s. 44.

46. The decision of the Board on any application to it under this Part is final and conclusive. 1964, c. 74, s. 45. Board's decision final

47. Where leave to construct a line has been granted under this Part, section 58 of *The Public Utilities Act* does not apply to such line. 1964, c. 74, s. 46. Where R.S.O. 1970, c. 390, s. 58 not to apply

48.—(1) One or more inspectors may be appointed under *The Public Service Act* for the purposes of this Part. Inspectors R.S.O. 1970, c. 386

(2) The Minister may, with the approval of the Lieutenant Governor in Council, make regulations prescribing the duties of such inspectors. 1964, c. 74, s. 47. Idem

PART III

ENERGY RETURNS OFFICER

Energy
Returns
Officer
R.S.O. 1970,
c. 386

49.—(1) There may be appointed under *The Public Service Act* an officer known as the Energy Returns Officer who shall assist the Board.

Staff

(2) The staff of the Energy Returns Officer shall consist of such deputy officers and employees as are considered necessary.

Information
privileged

(3) Neither the Energy Returns Officer nor any of his staff shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duties.

No personal
liability

(4) Neither the Energy Returns Officer nor any of his staff is personally liable for anything done by him under the authority of this Act or the regulations.

May take
oaths

(5) The Energy Returns Officer and every deputy officer has, for the purposes of this Act and the regulations, the same powers as a commissioner for taking affidavits in Ontario. 1964, c. 74, s. 48.

Assistance

50. The Lieutenant Governor in Council may appoint from time to time one or more persons having technical or special knowledge of any matter in question to inquire into and report to the Energy Returns Officer and to assist the Energy Returns Officer in any capacity. 1964, c. 74, s. 49.

Production
of docu-
ments, etc.

51. The Energy Returns Officer may for the purposes of this Act and the regulations, by registered letter or by a demand served personally, require from any gas transmitter, distributor, storage company or associate any information relating to the business of transmitting, distributing or storing gas or transactions with gas transmitters, distributors or storage companies, or further explanation or details of such information or the production, or the production on oath, of any document or record connected with the business of transmitting, distributing or storing gas within such reasonable time as is stipulated in such letter. 1964, c. 74, s. 50.

Power to
enter, etc.

52. When authorized in writing by the chairman of the Board in the form prescribed by the regulations, the Energy Returns Officer and every other person so authorized may, for the purposes of this Act and the regulations, at all reasonable times, enter into any premises or place where any gas transmitter, distributor, storage company or associate is carrying on business or keeps any document or record connected with the business of transmitting, distributing or storing gas, or connected with any transaction with a gas transmitter, distributor or storage company, or does or has done anything to any such document or record, and may examine any such document or record, and may conduct

audits, and may require any such gas transmitter, distributor, storage company or associate or its officers or directors to give all reasonable assistance with such examination or audit and to answer all proper questions relating to the examination or audit, either orally or in writing, on oath or by statutory declaration, and may, upon giving a receipt therefor, remove any such document or record from such premises or place for the purpose of photocopying such document or record, provided that such photocopying is carried out with reasonable dispatch and such document or record is immediately thereafter returned to such gas transmitter, distributor, storage company or associate and the return thereof is acknowledged in writing. 1964, c. 74, s. 51.

53. The Energy Returns Officer shall notify the Board of all matters he thinks relevant to Board proceedings or possible future Board proceedings. 1964, c. 74, s. 52. Notifying Board

54.—(1) The Energy Returns Officer, any deputy officer, any person authorized by the chairman of the Board in writing under section 52 and any inspector may be called as a witness by the board. Witnesses

(2) No document, record or photocopy thereof in the hands of the Energy Returns Officer shall be excluded as evidence on the ground of privilege. No privilege

(3) No document, record or photocopy thereof or any return made under this Part in the hands of the Energy Returns Officer shall be introduced in evidence in any proceeding unless the owner of the document or record or the maker of the return is a party to that proceeding or an associate of a party to that proceeding. 1964, c. 74, s. 53. Owner to be party

55.—(1) All information and material furnished to or received or obtained by the Energy Returns Officer, his deputy officers and employees or any person authorized by the chairman of the Board in writing under section 52 is confidential. Information confidential

(2) No person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of any such material. Idem

(3) Every person who contravenes any of the provisions of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. Offence

(4) No information may be laid under this section without the written permission of the Minister in the form prescribed by the regulations. 1964, c. 74, s. 54. Permission of the Minister

Not evidence
in certain
proceedings

56. No document, record or photocopy thereof or any return made under this Part is admissible in evidence in any proceeding except proceedings respecting an order of the Board or in summary proceedings with respect to offences under section 35. 1964, c. 74, s. 55.

PART IV

MISCELLANEOUS AND TRANSITIONAL

Conflict

57.—(1) In the event of conflict between this Act and any other general or special Act, this Act prevails.

Idem

(2) This Act and the regulations prevail over any by-law passed by a municipality. 1964, c. 74, s. 56.

Existing
orders
adopted

58. Every order and decision made under,

(a) *The Fuel Supply Act*, being chapter 152 of the Revised Statutes of Ontario, 1950;

(b) *The Natural Gas Conservation Act*, being chapter 251 of the Revised Statutes of Ontario, 1950;

(c) *The Well Drillers Act*, being chapter 423 of the Revised Statutes of Ontario, 1950;

1954, c. 63

(d) *The Ontario Fuel Board Act*, 1954;

1960, c. 75

(e) *The Ontario Energy Board Act*, 1960;

(f) *The Ontario Energy Act*, being chapter 271 of the Revised Statutes of Ontario, 1960; or

1964, c. 74

(g) *The Ontario Energy Board Act*, 1964.

that were in force on the day the Revised Statutes of Ontario, 1970 is proclaimed in force shall be deemed to have been made by the Board under this Act. 1964, c. 74, s. 57 (1), *amended*.

CHAPTER 313

The Ontario Food Terminal Act

1. In this Act,Interpre-
tation

- (a) "Board" means the Ontario Food Terminal Board;
 - (b) "fruit and produce" includes dairy products, eggs, fish, honey, maple products, poultry and vegetables;
 - (c) "manager" means the manager appointed under this Act;
 - (d) "Minister" means the Minister of Agriculture and Food;
 - (e) "regulations" means the regulations made under this Act;
 - (f) "securities" includes bonds, debentures and promissory notes;
 - (g) "Terminal" means the Ontario Food Terminal.
- R.S.O. 1960, c. 272, s. 1, *amended*.

2.—(1) The Ontario Food Terminal Board is continued as a body corporate and has a corporate seal in the form prescribed by the regulations.

Ontario
Food
Terminal
Board

(2) The Board shall consist of not more than seven persons appointed by the Lieutenant Governor in Council.

Members of
Board

(3) The Lieutenant Governor in Council may appoint one of the members of the Board to be chairman and one of the members to be vice-chairman.

Chairman,
vice-chair-
man

(4) A majority of the members of the Board constitutes a quorum.

Quorum

(5) The members of the Board shall receive such fees and expenses as the Lieutenant Governor in Council may determine and any member of the Board who is charged with the performance of any special services may be paid such additional remuneration therefor as the Lieutenant Governor in Council may determine. R.S.O. 1960, c. 272, s. 2.

Allowances
and ex-
penses

3.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may appoint a manager of the Terminal and such officers as may be prescribed in the regulations and fix their remuneration, and the appointment of any person as a manager or

Officers,
remunera-
tion

other officer does not disqualify him from acting as chairman, vice-chairman or a member of the Board.

Employees (2) Subject to the approval of the Board, the manager of the Terminal may appoint such employees as he considers necessary and fix their salaries or other remuneration. R.S.O. 1960, c. 272, s. 3.

Objects of Board **4.**—(1) The objects of the Board are,

- (a) to acquire, construct, equip and operate a wholesale fruit and produce market in the Municipality of Metropolitan Toronto or Regional Municipality of York to be known as the Ontario Food Terminal and to acquire and operate such facilities for the transportation and handling of fruit and produce as may be necessary for the purposes of the Terminal; and
- (b) to do such other acts as may be necessary or expedient for the carrying out of its operations and undertakings.

Power to borrow money and issue securities (2) The Board has the power to borrow money and to issue securities for the purpose of carrying out any of its objects and to make such securities payable as to principal and interest at such time or times and in such manner and at such place or places as the Board may determine.

Additional powers R.S.O. 1970, c. 89 (3) The Board, in carrying out its objects, has the powers set out in sections 24 and 305 of *The Corporations Act*. R.S.O. 1960, c. 272, s. 4.

Agreements **5.** The Board may rent space in the Terminal to such persons and upon such terms as the Board considers proper and may make such arrangement and enter into such agreement with any such person as it considers advisable in the circumstances. R.S.O. 1960, c. 272, s. 5.

Guarantee by Province **6.**—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario for and on behalf of the Province of Ontario to guarantee the payment of any securities issued by the Board, the repayment of any advances made by banks to the Board and the payment of any other indebtedness incurred by the Board. R.S.O. 1960, c. 272, s. 6 (1), *amended*.

Form of guarantee (2) The form of any such guarantee and the manner of its execution shall be determined by the Lieutenant Governor in Council. R.S.O. 1960, c. 272, s. 6 (2).

Application of moneys **7.** All moneys received by the Board from the operation of its undertakings or otherwise shall be applied to,

- (a) operating expenses;
- (b) payment of interest on indebtedness; and

- (c) a sinking fund established by the Treasurer of Ontario for the repayment of securities guaranteed by the Treasurer of Ontario under subsection 1 of section 6 and for the retirement of any other indebtedness of the Board,

and any surplus moneys remaining in any year after paying for operating expenses, interest on indebtedness and the repayment of any part of the principal moneys payable in that year shall be used in reducing the cost of operating the Terminal, reducing the fees, rents or other charges charged or made by the Board or for the setting up of such reserve funds as the Board may determine. R.S.O. 1960, c. 272, s. 7.

8. The fiscal year of the Board commences on the 1st day of April in each year and ends on the 31st day of March in the following year. R.S.O. 1960, c. 272, s. 8. Fiscal year

9.—(1) The Board shall make a report annually to the Minister, and such report shall contain a financial statement certified by the auditor and such other matters relating to the work of the Board as the Minister may require. Annual report

(2) A copy of the report shall be filed with the Provincial Secretary, who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session. R.S.O. 1960, c. 272, s. 9. Idem

10. The books and accounts of the Board shall be audited and checked from time to time by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council may designate and such auditor shall make an annual report to the Treasurer of Ontario. R.S.O. 1960, c. 272, s. 10. Audit

11. The Board may be sued and may institute or defend proceedings in any court. R.S.O. 1960, c. 272, s. 11. Authority to sue and be sued

12.—(1) No person shall establish or operate within the Municipality of Metropolitan Toronto, Regional Municipality of York or County of Peel any market for the sale by wholesale of fruit and vegetables except with the approval of the Board, but this section does not apply to any such market that was being regularly and continuously operated as of the 1st day of April, 1955, so long as it is not extended or enlarged. Markets in Toronto, York and Peel

(2) In subsection 1, the expression “any market for the sale by wholesale of fruit and vegetables” includes any premises at which fruit or vegetables are purchased for resale. R.S.O. 1960, c. 272, s. 12. Interpretation

Regulations

13. Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) prescribing the officers of the Board;
- (b) prescribing the powers and duties of the manager of the Terminal and of the officers of the Board;
- (c) prescribing the form of the seal of the Board;
- (d) respecting the operation, management and maintenance of the Terminal;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 272, s. 13.

Rules

14. Subject to the regulations, the Board may make rules with respect to,

- (a) the conduct of the Board's employees;
- (b) the conduct of the Board's tenants and their employees;
- (c) the conduct of any person on the Board's premises for any purpose;
- (d) the use by any person of the Board's facilities and equipment. R.S.O. 1960, c. 272, s. 14.

Offence

15.—(1) Every person who contravenes any of the provisions of this Act or the regulations or any rule made under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for a first offence and to a fine of not more than \$200 or to imprisonment for a term of not more than thirty days, or both, for any subsequent offence. R.S.O. 1960, c. 272, s. 15.

Motor
vehicle
owner and
driver
liable for
penalties

(2) Where an offence under subsection 1 is committed by means of a motor vehicle, the driver of the motor vehicle, not being the owner, is liable to the fine provided under subsection 1 and the owner of the motor vehicle is also liable to the fine provided under subsection 1 unless at the time the offence was committed the driver was in possession of the motor vehicle without the owner's consent. 1964, c. 75, s. 1

CHAPTER 314

The Ontario Geographic Names Board
Act

1. In this Act,

(a) “Board” means The Ontario Geographic Names Board;

(b) “Minister” means the Minister of Lands and Forests. 1968, c. 83, s. 1.

Interpretation
- 2.—(1) The Ontario Geographic Names Board is continued.

(2) The Board shall be composed of the Surveyor General, a secretary appointed by the Minister, and five other members appointed by the Lieutenant Governor in Council.

(3) The Minister may appoint one of the members of the Board as chairman and one as vice-chairman.

(4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. 1968, c. 83, s. 2, *amended*.

Board continued
Membership of the Board
Chairman
Remuneration, etc.
- 3.—(1) The Board shall meet at such times and places as the chairman appoints and the chairman shall appoint a time and place for a meeting on the request of three members.

(2) Four members constitute a quorum at any meeting of the Board.

(3) Except as provided in subsections 4 and 5, the chairman shall preside at all meetings of the Board.

(4) In the absence of the chairman and subject to subsection 5, the vice-chairman shall preside at meetings of the Board.

(5) In the absence of the chairman and the vice-chairman from a meeting, the Board may appoint a member as temporary chairman to preside at the meeting.

(6) The secretary shall,

(a) keep a record of all proceedings of the Board;

(b) conduct the correspondence of the Board; and

(c) perform such other duties as the Board may direct.

(7) In the absence of the secretary, the Board may appoint a member to act *pro tempore* as secretary.

Meetings
Quorum
Duty of chairman
Duty of vice-chairman
Temporary chairman
Duties of secretary
Temporary secretary

Powers of
Board

(8) The Board shall,

- (a) gather, collate and record information respecting names of places and geographical features within Ontario;
- (b) consult with and advise government departments and agencies, municipalities, railway companies and other bodies or persons concerned with the selection of place names on the suitability of proposed names for places and geographical features;
- (c) consider and make recommendations respecting any proposed change in the name of any place or geographical feature already in use that may be duplicated by or be similar to any established name of a place or geographical feature or that for any other reason may be deemed or be represented to be inappropriate to the place or geographical feature to which it is applied;
- (d) collaborate with the Canadian Permanent Committee on Geographical Names respecting the selection of new geographical names, the elimination of alternative or duplicated names, the correct or preferred spelling of established names and such other matters respecting geographical names as may be of concern to the Board or the Committee;
- (e) supply information regarding geographical names to government departments and agencies, cartographers, publishers, and any other persons engaged in the preparation of maps or other publications intended for official or public use; and
- (f) recommend to the Minister for approval the names of geographical features. 1968, c. 83, s. 3.

Official
names

4.—(1) The Minister may approve a name recommended by the Board for a geographical feature.

Approved
names to be
used on
maps, etc.

(2) A name approved under subsection 1 shall be used by all government departments and agencies in the preparation of maps and other publications. 1968, c. 83, s. 4.

Statutes,
etc., not
affected

5. No statute, regulation, order, contract, summons, information, writ or other document affecting legal rights shall be deemed to be invalid merely by reason of the use of a name of a geographical feature that has not been approved by the Minister under section 4. 1968, c. 83, s. 5.

CHAPTER 315

The Ontario Heritage Foundation Act

1. In this Act,Interpre-
tation

- (a) “donation” includes any gift, testamentary disposition, deed of trust or other form of contribution;
- (b) “Foundation” means The Ontario Heritage Foundation;
- (c) “Minister” means the Minister of Tourism and Information or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (d) “property” includes real and personal property. 1967, c. 65, s. 1.

2. The Minister is responsible for the administration of this Act. 1967, c. 65, s. 2.Administra-
tion of
Act**3.—(1)** The Ontario Heritage Foundation is continued as a body corporate.Ontario
Heritage
Foundation
continued

(2) The Foundation shall consist of a board of directors of not fewer than three and not more than eleven persons who shall be appointed by the Lieutenant Governor in Council, and of such other persons as become members of the Foundation.

Composition
of
Foundation

(3) The Lieutenant Governor in Council may designate one of the directors to be the chairman of the board of directors.

Chairman

(4) A majority of the directors constitutes a quorum. 1967, Quorum c. 65, s. 3, *amended*.

4. The directors of the Foundation may, with the approval of the Minister, make such by-laws as are necessary for,

By-laws

- (a) the administration of the Foundation;
- (b) the establishment, appointment and condition of membership therein;
- (c) the establishment of such honorary offices as they consider desirable, and the appointment of persons thereto; and
- (d) any other matter necessary for carrying out the objects of the Foundation. 1967, c. 65, s. 4.

Officers
and staff
R.S.O. 1970,
c. 386

5. Such officers, clerks and servants may be appointed or transferred under *The Public Service Act* as are considered necessary from time to time for the proper conduct of the business of the Foundation. 1967, c. 65, s. 5.

R.S.O. 1970,
c. 89
does not
apply

6. *The Corporations Act* does not apply to the Foundation. 1967, c. 65, s. 6.

Crown
agency

7.—(1) The Foundation is, for all purposes of this Act, an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

Property

(2) Property acquired by the Foundation is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Foundation. 1970, c. 43, s. 1.

Objects of
Foundation

8. The Objects of the Foundation are,

- (a) to receive, acquire by purchase, donation or lease, hold, preserve, maintain, reconstruct, restore and manage property of historical, architectural, recreational, aesthetic or scenic interest for the use, enjoyment and benefit of the people of Ontario;
- (b) to support and contribute to the acquisition, holding, preservation, maintenance, reconstruction, restoration and management of property of historical, architectural, recreational, aesthetic or scenic interest by municipalities or organizations for the use, enjoyment and benefit of the people of Ontario; and
- (c) to conduct and arrange exhibits or other cultural or recreational activities to inform and stimulate the interest of the public in historical and architectural matters. 1967, c. 65, s. 7; 1968-69, c. 82, s. 1.

Powers of
Foundation

9. In furtherance of its objects, the Foundation has power,

- (a) to hold, preserve, maintain, reconstruct, restore and manage the property of the Foundation;
- (b) subject to the approval of the Minister,
 - (i) to acquire property, whether by purchase, donation, lease, public subscription, grant, bequest or otherwise,
 - (ii) to enter into agreements with prospective donors with respect to any conditions governing the use of property,
 - (iii) to enter into agreement with any person respecting any matter within the objects of the Foundation, and to pay moneys to such person pursuant to any such agreement,

- (iv) to engage the services of such experts and other persons as are considered expedient;
- (c) subject to the terms of any trust in connection with such property, to dispose of property by sale, lease or any other manner, and to execute such deeds or other instruments as may be required to effect such disposal;
- (d) to borrow money for the purpose of carrying out the objects of the Foundation where a guarantee is provided under section 16;
- (e) to invest its funds, but only in such classes of securities as trustees are permitted to invest in under the laws of Ontario. 1967, c. 65, s. 8.

10.—(1) The Foundation shall maintain a fund, hereinafter called the “general fund”, which shall, subject to section 11, consist of moneys received by it from any source, including grants made under section 15. General fund

(2) The Foundation may, subject to any conditions attached to moneys comprising the general fund, disburse, expend or otherwise deal with any of its general fund for the purposes of any of the objects of the Foundation and to defray any expenses in connection therewith. 1967, c. 65, s. 9. Operating expenditures

11.—(1) The Foundation shall maintain a reserve fund, which shall consist of moneys received by the Foundation expressly for allocation thereto. Reserve fund

(2) The income of the reserve fund, or any part thereof, may be paid into and form part of the general fund. Income

(3) The Foundation shall not expend any of the capital of its reserve fund, except for investment under clause *e* of section 9, without the consent of the Lieutenant Governor in Council. 1967, c. 65, s. 10. Capital expenditures

12. No member of the Foundation shall receive any remuneration for his services, but each member shall be paid out of the general fund of the Foundation for his proper travelling and other expenses incurred in the work of the Foundation. 1967, c. 65, s. 11. Remuneration

13. The real and personal property, business and income of the Foundation are exempt from all assessment and taxation, made, imposed or levied by or under the authority of any Act of the Legislature, but this section does not apply to any property of the Foundation while leased under clause *c* of section 9 to a person or organization not registered as a charitable organization under the *Income Tax Act* (Canada). 1967, c. 65, s. 12. Exemption from taxation

- Audit** **14.** The accounts and financial transactions of the Foundation shall be audited annually by the Provincial Auditor. 1967, c. 65, s. 13.
- Grants** **15.** The Minister may, out of the moneys appropriated therefor by the Legislature, make grants to the Foundation at such times, in such amounts and upon such terms and conditions as he considers advisable and may allocate any grants so made to the general fund or reserve fund. 1967, c. 65, s. 14.
- Guarantee of loans** **16.**—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan to the Foundation, or any part thereof together with interest thereon, borrowed for the purpose of carrying out the objects of the Foundation.
- Form of guarantee** (2) The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.
- Payment of guarantee** (3) The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfill the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province of Ontario. 1967, c. 65, s. 15, *amended*.
- Annual report** **17.**—(1) The Foundation shall make a report annually to the Minister upon the affairs of the Foundation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.
- Reports** (2) The Foundation shall make such further reports to the Minister as the Minister from time to time may require. 1967, c. 65, s. 16.
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CHAPTER 316

The Ontario Highway Transport Board Act

1. In this Act,

(a) “Board” means the Ontario Highway Transport Board established under this Act;

Interpretation

(b) “Minister” means such Minister as is designated by the Lieutenant Governor in Council;

(c) “public commercial vehicle” means a public commercial vehicle as defined in *The Public Commercial Vehicles Act*.

R.S.O. 1970,
c. 375

(d) “public vehicle” means a public vehicle as defined in *The Public Vehicles Act*. R.S.O. 1960, c. 273, s. 1.

R.S.O. 1970,
c. 392

2.—(1) There shall be a board known as the Ontario Highway Transport Board which shall consist of three members or as many more as the Lieutenant Governor in Council may from time to time determine. R.S.O. 1960, c. 273, s. 2 (1).

Ontario
Highway
Transport
Board

(2) The members shall be appointed by the Lieutenant Governor in Council and one of them shall be designated as chairman and not more than two of them as vice-chairmen. R.S.O. 1960, c. 273, s. 2 (2); 1961-62, c. 92, s. 1.

Appoint-
ment

3. A vacancy in membership of the Board or the absence or inability of a member to act does not impair the powers of the Board or of the remaining members who may exercise all the jurisdiction and powers of the Board. R.S.O. 1960, c. 273, s. 3.

Powers of
Board on
vacancy

4. Vacancies in the membership of the Board caused by death, resignation or otherwise may be filled by the Lieutenant Governor in Council. R.S.O. 1960, c. 273, s. 4.

Vacancies

5. Subject to section 6, two members of the Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board. R.S.O. 1960, c. 273, s. 5; 1961-62, c. 92, s. 2.

Quorum

6.—(1) The chairman may authorize one member of the Board to conduct the hearing of an application and to report to the Board, and such member has all the powers of the Board for the purpose of such hearing.

One member
may conduct
hearing

Report

(2) The report of such member may be adopted as the order of the Board by two members of the Board, one of whom shall be the chairman or a vice-chairman, or may be otherwise dealt with as the Board considers proper. 1961-62, c. 92, s. 3, *part*.

When vice-
chairman
may act

7.—(1) In the absence of the chairman or in case of his inability to act or if there is a vacancy in the office, the vice-chairman may act as, and has all the powers of, the chairman, including the power to complete any unfinished matter.

Idem

(2) Where the vice-chairman has acted in place of the chairman, it shall be presumed conclusively that he so acted in the absence or disability or vacancy in the office of the chairman. R.S.O. 1960, c. 273, s. 6.

Attendance
to duties

8. Unless otherwise authorized by statute or the standing orders of the Assembly or the Lieutenant Governor in Council, the members of the Board shall devote the whole of their time to the performance of their duties as members of the Board, and shall not accept or hold any office or employment inconsistent with such duties. R.S.O. 1960, c. 273, s. 7, *amended*.

Staff

9. The staff of the Board shall consist of a secretary and such officers and employees as may be considered necessary. R.S.O. 1960, c. 273, s. 8.

Power to
take
evidence on
oath, etc.

10.—(1) The Board has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Witness
fees

(2) Every person summoned to attend before the Board shall, in the discretion of the Board, receive the like fees and allowances for so doing as if summoned to attend before the Supreme Court. R.S.O. 1960, c. 273, s. 9.

Power to
require
filing of
information

11. The Board may require any person engaged in the transportation of goods or passengers to produce and file with the Board at any time or periodically such documents and information as it considers necessary. R.S.O. 1960, c. 273, s. 10.

Actions
against
Board or
members

12.—(1) No action or other proceeding lies against the Board or any member of the Board or any officer, agent or employee of the Board for anything done or purporting to be done under or in pursuance of this or any other Act.

Protection
from being
called as
witnesses

(2) No member of the Board or of its staff is required to give testimony in any civil suit with regard to information obtained by

him in the discharge of his official duty. R.S.O. 1960, c. 273, s. 11.

13. Every order and certificate made by the Board is effective if signed by two members of the Board, one of whom is the chairman or the vice-chairman of the Board, and every other document made or issued by the Board is effective if signed by a member of the Board. R.S.O. 1960, c. 273, s. 12.

Execution
of docu-
ments

14. *The Regulations Act* does not apply to any order, decision, consent, approval or certificate issued by the Board. R.S.O. 1960, c. 273, s. 13.

R.S.O. 1970,
c. 410 not
to apply

15.—(1) The Board shall sit at such times and places as the chairman may from time to time designate and shall conduct its proceedings in such manner as may seem to it most convenient for the speedy and effectual dispatch of its duties.

Sittings

(2) Where sittings of the Board are appointed to be held in a municipality in which a court house is situate, the Board and its members have in all respects the same rights as a judge of the Supreme Court with respect to the use of the court house and any part thereof, and of other buildings and apartments set aside in the municipality for the administration of justice.

Use of
court house

(3) Where the sittings of the Board are appointed to be held in a municipality in which there is a municipal hall but no court house, the municipality shall, upon request, allow such sittings to be held in such hall and shall make all arrangements necessary and suitable for the purpose. R.S.O. 1960, c. 273, s. 14.

Use of
town hall

16. The Board has as to all matters within its jurisdiction under this Act authority to hear and determine all questions of law or of fact. R.S.O. 1960, c. 273, s. 15.

Power to
determine
law and
fact

17. The Board may at any time and from time to time rehear any application and may review, amend or revoke its decisions, orders, directions, certificates or approvals and may within its jurisdiction review, amend or revoke any decision, certificate or approval made before the 17th day of October, 1955, by the Ontario Municipal Board under *The Public Commercial Vehicles Act* and *The Public Vehicles Act*. R.S.O. 1960, c. 273, s. 16.

Power to
review

R.S.O. 1950,
cc. 304, 322

18. A certified copy of an order of the Board under this or any other Act may be filed in the office of the Registrar of the Supreme Court and thereupon it becomes a judgment or order of the Supreme Court enforceable in the same manner as a judgment or order of that court to the like effect. R.S.O. 1960, c. 273, s. 17.

Enforce-
ment of
orders

Costs **19.**—(1) The costs of and incidental to any proceeding before the Board are in its discretion and may be fixed in any case at a sum certain or may be taxed.

Idem (2) The Board may order by whom and to whom any costs are to be paid and by whom they are to be taxed and allowed.

Idem (3) The Board may prescribe a scale under which such costs shall be taxed. R.S.O. 1960, c. 273, s. 18.

Stated case **20.**—(1) The Board may, at the request of the Lieutenant Governor in Council or of its own motion or upon the application of any party to proceedings before the Board and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law.

Idem (2) The Court of Appeal shall hear and determine the stated case and remit it to the Board with the opinion of the court thereon. R.S.O. 1960, c. 273, s. 19.

L.G. in C. may confirm, vary or rescind orders **21.** Upon the petition of any party or person interested, filed with the Clerk of the Executive Council within sixty days after the date of any order or decision of the Board, the Lieutenant Governor in Council may,

(a) confirm, vary or rescind the whole or any part of such order or decision; or

(b) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause *b* is not subject to petition under this section. 1961-62, c. 92, s. 4.

Appeal on questions of jurisdiction and law **22.**—(1) An appeal lies from the Board to the Court of Appeal upon any question of jurisdiction or upon any question of law, but no such appeal lies unless leave to appeal is obtained from the court within one month of the making of the order or decision sought to be appealed from or within such further time as the court under the special circumstances of the case allows after notice to the opposite party, if any, stating the grounds of appeal.

Notice of appeal (2) Upon such leave being obtained, the Registrar shall set the appeal down for hearing at the next sittings of the court and the party appealing shall, within ten days, give to the parties affected by the appeal, or to the solicitors by whom such parties were represented before the Board, and to the Board, notice in writing that the case has been so set down, and the appeal shall be heard and disposed of by the court as speedily as practicable.

(3) On the hearing of an appeal under this section, the court may draw such inferences as are not inconsistent with the facts expressly found by the Board and necessary for determining the question of jurisdiction or law, as the case may be, and shall specify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

Opinion
of court

(4) The Board is entitled to be heard by counsel or otherwise upon the argument of any such appeal.

Board may
be heard

(5) The Supreme Court may fix the costs and fees to be taxed, allowed and paid upon appeals under this section and may make rules of practice respecting such appeals, and until such rules are made the rules of practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal are applicable to appeals under this section.

Costs,
rules of
practice

(6) The Board, or any member thereof, is not liable for costs in connection with any appeal or application for leave to appeal under this section. R.S.O. 1960, c. 273, s. 21.

Board not
liable for
costs

23. Except as provided in sections 17, 21 and 22, every order and decision of the Board is final and binding. R.S.O. 1960, c. 273, s. 22.

Orders
of Board
final and
binding

24.—(1) The Board may make rules of practice and procedure applicable to proceedings before the Board under this or any other Act.

Board may
make rules

(2) The Board may charge and collect such fees as it considers proper for all copies of documents, maps or plans, and all certificates as to the same.

Fees
for copies,
certificates,
etc.

(3) Upon the application of any person and on payment of the prescribed fee, the secretary shall deliver to such person a certified copy of any order, decision, certificate or other document issued by the Board. R.S.O. 1960, c. 273, s. 23.

Certified
copies of
documents

25. There shall be paid upon every application to the Board or every order thereof such fee as the Board may direct, regard being had to the time occupied by the Board and its officers and the expense occasioned to Ontario in the matter, and such fee shall be paid in the first instance by the applicant and is a debt due by the applicant to Her Majesty and a summary order may be made by the Board for payment thereof, and such summary order may be made an order of the Supreme Court. R.S.O. 1960, c. 273, s. 24.

Fees of
Board

26. All fees charged and collected by the Board shall be paid over, accompanied by a detailed statement thereof, to the Treasurer of Ontario at such intervals as he may require. R.S.O. 1960, c. 273, s. 25.

Payment
over to
Ontario

Evidence
of docu-
ments

27. Every document purporting to be signed by a member or the secretary of the Board is without proof of the signature *prima facie* proof that the document was duly signed, and a copy of such document in the custody of the secretary or on record with the Board purporting to be certified by the secretary is *prima facie* proof of such document without proof of the signature of the secretary. R.S.O. 1960, c. 273, s. 26, *amended*.

Annual
report

28.—(1) The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board to the Minister who shall file it with the Provincial Secretary.

Tabling

(2) The Provincial Secretary shall submit the report to the Lieutenant Governor in Council, and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1960, c. 273, s. 27.

CHAPTER 317

The Ontario Housing Corporation Act

1. In this Act,Interpre-
tation

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the Ontario Housing Corporation;
- (c) "Minister" means the Minister of Trade and Development or such other member of the Executive Council as the Lieutenant Governor in Council may designate. 1964, c. 76, s. 1, *amended*.

2.—(1) The Ontario Housing Corporation is continued as a corporation without share capital, consisting of not fewer than seven and not more than eleven members appointed by the Lieutenant Governor in Council.

Ontario
Housing
Corporation

(2) The Corporation shall have a seal which shall be adopted by resolution or by-law. 1964, c. 76, s. 2 (1, 2).

Seal

(3) The fiscal year of the Corporation commences on the 1st day of January in each year and ends on the 31st day of December next following. 1965, c. 84, s. 1.

Fiscal
year

(4) *The Corporations Act* does not apply to the Corporation. 1964, c. 76, s. 2 (4).

Application
of R.S.O.
1970, c. 89

3.—(1) The members for the time being of the Corporation form and are its Board of Directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the Board.

Board of
Directors

(2) The Corporation may pay those of its members who are not officers in the public service of the Province of Ontario such remuneration and expense allowance as may be from time to time fixed by the Lieutenant Governor in Council.

Remunera-
tion

(3) A majority of the directors for the time being constitutes a quorum at meetings of the Board.

Quorum

(4) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation. 1964, c. 76, s. 3.

By-laws

Management

4. The affairs of the Corporation are under the management and control of the Board for the time being, and the chairman shall preside at all meetings of the Board, or, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman. 1964, c. 76, s. 4.

Staff

R.S.O. 1970,
c. 386

5. Such officers, clerks and servants may be appointed under *The Public Service Act* as are considered necessary from time to time for the proper conduct of the business of the Corporation. 1964, c. 76, s. 5.

Powers of Corporation

R.S.O. 1970,
c. 213

6.—(1) The Corporation, with the approval of the Lieutenant Governor in Council, may make any loan, grant, guarantee or advance that may be made by the Lieutenant Governor in Council or the Minister under sections 2 and 3 of *The Housing Development Act*.

Power of Corporation to enter into agreements

(2) The Corporation, with the approval of the Lieutenant Governor in Council, may enter into any agreement that Her Majesty in right of Ontario or the Minister is authorized to enter into under *The Housing Development Act*.

Rights and obligations of Minister under agreements to be rights and obligations of Corporation

(3) All rights of the Minister or of Her Majesty in right of Ontario under any agreement heretofore or hereafter entered into by the Minister under *The Housing Development Act* are hereby vested in the Corporation, and all obligations of the Minister or of Her Majesty in right of Ontario under any such agreement hereby become obligations of the Corporation.

Power to acquire property

(4) The Corporation may acquire and hold real property and dispose of such property from time to time.

Title to real property vested in Corporation

(5) All right, title and interest of Her Majesty in right of Ontario or of the Minister in any real property acquired under *The Housing Development Act* that are vested in Her Majesty or the Minister when this Act comes into force are hereby vested in the Corporation. 1964, c. 76, s. 6.

Corporation to be management corporation

7. The Corporation, in addition to its other powers, shall be deemed to be a corporation constituted under subsection 2 of section 6 of *The Housing Development Act*. 1964, c. 76, s. 7.

Borrowing powers

8.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time borrow or raise by way of loan such sums of money as the Corporation may consider requisite for any of the purposes of the Corporation in any one or more, or partly in one and partly in another, of the following ways:

- (a) by the issue and sale of debentures, bills or notes of the Corporation in such form or forms, in such denomina-

tion or denominations, bearing interest at such rate or rates and payable as to principal and interest at such time or times, in such currency or currencies and at such place or places as the Board may determine; and

- (b) by temporary loans or loans from any chartered bank or banks or from any person either by way of bank overdraft or loan or in any other manner whatsoever as the Board may determine; and
- (c) by charge or mortgage of all or any of the real property of the Corporation. 1964, c. 76, s. 8 (1); 1968, c. 84, s. 1.

(2) The purposes of the Corporation, without limiting the generality thereof, include, Payment of loans and indebtedness

- (a) the carrying out of the powers of the Corporation mentioned in sections 6 and 7;
- (b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money raised by way of loan or of any securities issued by the Corporation; and
- (c) the payment of the whole or any part of any obligation, liability or indebtedness of the Corporation.

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may sell any debentures, bills or notes of the Corporation either at, or at less or more than, the par value thereof and may charge, pledge or otherwise deal with any such debentures, bills or notes as collateral security. Sale, etc., of Corporation's securities

(4) A recital or declaration in any resolution or minute of the Board, authorizing the issue and sale of debentures, bills or notes of the Corporation, to the effect that it is necessary to issue and sell such debentures, bills or notes for the purposes of the Corporation in the amount authorized, is conclusive evidence to that effect. Author-ization

(5) Debentures, bills or notes of the Corporation shall be sealed with the seal of the Corporation and may be signed by the chairman or vice-chairman of the Corporation and by the secretary or other officer of the Corporation, and any interest coupon that may be attached to any debenture, bill or note of the Corporation may be signed by the secretary or other officer of the Corporation. Sealing, signing, etc.

(6) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture, bill or note, and any signature upon any debenture, bill or note and upon any coupon may be engraved, lithographed, printed or otherwise mechanically reproduced, and the seal of the Corporation when so reproduced has the same force and effect as Mechanical reproduction of seal and signature authorized

if manually affixed, and any such signature is for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office.

Securities
of Cor-
poration
redeemable
in advance

(7) Any debenture, bill or note of the Corporation may be made redeemable in advance of maturity at such time or times, at such price or prices and on such terms and conditions as the Board may determine at the time of the issue thereof.

Lost
debentures

(8) Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the Board may provide for its replacement on such terms as to evidence and as to indemnity as the Board may require. 1964, c. 76, s. 8 (2-8).

Guarantee
of payment
by Ontario

9.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of Ontario of any debentures, bills, notes, charges or mortgages issued or made by or of any temporary loan made to the Corporation under the authority of this Act. 1968, c. 84, s. 2 (1).

Form of
guaranty

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant Governor in Council.

Validity of
guaranty

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon the Province of Ontario and is not open to question upon any ground whatsoever. 1964, c. 76, s. 9 (2, 3).

Guarantee
debentures,
etc., to be
indefeasible

(4) Any debenture, bill, note, charge or mortgage issued or made by or temporary loan made to the Corporation, payment whereof is guaranteed by the Province of Ontario under this section, is valid and binding upon the Corporation, its successors and assigns, according to its terms, and the validity of any debenture, bill, note, charge, mortgage or temporary loan so guaranteed is not open to question on any ground whatsoever. 1968, c. 84, s. 2 (2).

Sale of
Corpora-
tion's
securities
to Province
and provin-
cial advances
to Cor-
poration
authorized

10.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario,

- (a) to purchase any debentures, bills or notes of the Corporation; and
- (b) to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may consider expedient.

Idem

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund. 1964, c. 76, s. 10.

11. Notwithstanding anything in any other Act, debentures issued by the Corporation and guaranteed by the Province of Ontario are at all times a lawful investment for municipal, school and trust funds. 1964, c. 76, s. 11.

Trustees,
etc.,
investments
in debentures

12. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Corporation and to the Minister. 1964, c. 76, s. 12.

Audit

13. The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1964, c. 76, s. 13.

Annual
report

CHAPTER 318

The Ontario Human Rights Code

WHEREAS recognition of the inherent dignity and the equal Preamble
and inalienable rights of all members of the human family is
the foundation of freedom, justice and peace in the world and is in
accord with the Universal Declaration of Human Rights as
proclaimed by the United Nations;

AND WHEREAS it is public policy in Ontario that every person is
free and equal in dignity and rights without regard to race, creed,
colour, nationality, ancestry or place of origin;

AND WHEREAS these principles have been confirmed in Ontario
by a number of enactments of the Legislature;

AND WHEREAS it is desirable to enact a measure to codify and
extend such enactments and to simplify their administration;

*Therefore, Her Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as follows:*

PART I

1.—(1) No person shall publish or display or cause to be
published or displayed or permit to be published or displayed any
notice, sign, symbol, emblem or other representation indicating
discrimination or an intention to discriminate against any person
or any class of persons for any purpose because of the race, creed,
colour, nationality, ancestry or place of origin of such person or
class of persons. Discrimina-
tion pro-
hibited in
notices,
signs, etc.

(2) Nothing in this section shall be deemed to interfere with
the free expression of opinion upon any subject. 1961-62, c. 93,
s. 1. Exception
as to
matters of
opinion

2. No person, directly or indirectly, alone or with another, by
himself or by the interposition of another, shall, Discrimina-
tion pro-
hibited in
places to
which public
admitted

(a) deny to any person or class of persons the accommoda-
tion, services or facilities available in any place to which
the public is customarily admitted; or

(b) discriminate against any person or class of persons with
respect to the accommodation, services or facilities
available in any place to which the public is customarily
admitted,

because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons or of any other person or class of persons. 1961-62, c. 93, s. 2; 1965, c. 85, s. 1.

Discrimination prohibited in apartment buildings

3. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall,

- (a) deny to any person or class of persons occupancy of any commercial unit or any self-contained dwelling unit; or
- (b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any commercial unit or any self-contained dwelling unit,

because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons. 1961-62, c. 93, s. 3; 1967, c. 66, s. 1.

Employers not to discriminate in employment practices

4.—(1) No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ any person or discriminate against any person with regard to employment or any term or condition of employment because of his race, creed, colour, nationality, ancestry or place of origin.

Membership in trade union

(2) No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, nationality, ancestry or place of origin.

Employment applications and advertisements not to discriminate

(3) No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry that expresses either directly or indirectly any limitation, specification or preference as to the race, creed, colour, nationality, ancestry or place of origin of any person or that requires an applicant to furnish any information concerning race, creed, colour, nationality, ancestry or place of origin. 1961-62, c. 93, s. 4 (1-3).

Where section does not apply

(4) This section does not apply,

- (a) to a domestic employed in a private home;
- (b) to an exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit or to any organization that is operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit, where in any such case race, colour, creed, nationality, ancestry or place of origin is a reasonable occupational qualification. 1961-62, c. 93, s. 4 (4); 1967, c. 66, s. 2; 1968-69, c. 83, s. 1.

5. No person shall,

- (a) refuse to employ or to continue to employ any person;
- (b) threaten to dismiss or threaten to penalize in any other way any person in regard to his employment or any term or condition thereof;
- (c) discriminate against any person in regard to his employment or any term or condition thereof; or
- (d) intimidate or coerce or impose any pecuniary or other penalty upon any person,

Discrimination, etc. prohibited for taking part in proceeding under Act

on the ground that such person,

- (e) has made or may make a complaint under this Act;
- (f) has made or may make a disclosure concerning the matter complained of;
- (g) has testified or may testify in a proceeding under this Act; or
- (h) has participated or may participate in any other way in a proceeding under this Act. 1968-69, c. 83, s. 2.

6. Subject to section 1 of *The Public Officers Act*, the prohibitions contained in this Part apply to and bind the Crown in right of Ontario and every agency thereof. 1965, c. 85, s. 3.

Prohibitions apply to Crown R.S.O. 1970, c. 382

PART II

7.—(1) The Ontario Human Rights Commission is continued.

Commission continued

(2) The Commission shall be composed of three or more members as may be fixed from time to time by the Lieutenant Governor in Council.

Composition

(3) The members of the Commission shall be appointed by the Lieutenant Governor in Council.

Members

(4) The Lieutenant Governor in Council may designate one of the members as chairman.

Chairman

(5) The Lieutenant Governor in Council may fill any vacancy in the membership of the Commission.

Vacancies

(6) The Lieutenant Governor in Council may fix the remuneration of the members of the Commission. 1961-62, c. 93, s. 6.

Remuneration

8. The Commission is responsible to the Minister for the administration of this Act. 1961-62, c. 93, s. 7.

Responsibility

9. The Commission has power to administer this Act and, without limiting the generality of the foregoing, it is the function of the Commission,

Function

- (a) to forward the principle that every person is free and equal in dignity and rights without regard to race, creed, colour, nationality, ancestry or place of origin;
- (b) to promote an understanding of, acceptance of and compliance with this Act;
- (c) to develop and conduct educational programs designed to eliminate discriminatory practices related to race, creed, colour, nationality, ancestry or place of origin. 1961-62, c. 93, s. 8.

Staff **10.** The Lieutenant Governor in Council may appoint a secretary and such other officers, clerks and servants of the Commission as are considered appropriate. 1961-62, c. 93, s. 9.

Cost **11.** The cost of the administration of this Act is payable out of the moneys appropriated therefor by the Legislature. 1961-62, c. 93, s. 10.

Regulations **12.** The Lieutenant Governor in Council may make regulations adding to or extending the functions of the Commission and respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1961-62, c. 93, s. 11.

PART III

Complaints **13.—**(1) The Commission itself or through any person designated so to do may inquire into the complaint of any person that he has been discriminated against contrary to this Act and it shall endeavour to effect a settlement of the matter complained of.

Form of complaint (2) Every such complaint shall be in writing on the form prescribed by the Commission and shall be mailed or delivered to the Commission at its office. 1961-62, c. 93, s. 12.

Boards of inquiry **14.—**(1) If the Commission is unable to effect a settlement of the matter complained of, the Minister may, on the recommendation of the Commission, appoint a board of inquiry composed of one or more persons to investigate the matter and shall forthwith communicate the names of the members of the board to the parties to the complaint, and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act.

Powers
R.S.O. 1970,
c. 232 (2) The board has all the powers of a conciliation board under section 30 of *The Labour Relations Act*.

Duties (3) The board shall give the parties full opportunity to present evidence and to make submissions and, if it finds that the complaint is supported by the evidence, it shall recommend to the

Commission the course that ought to be taken with respect to the complaint.

(4) If the board is composed of more than one person, the recommendations of the majority are the recommendations of the board. Majority recommendations to prevail

(5) After the board has made its recommendations, the Commission may direct it to clarify or amplify any of them, and they shall be deemed not to have been received by the Commission until they have been so clarified or amplified. Clarification of recommendations

(6) The Minister, on the recommendation of the Commission, may issue whatever order he considers necessary to carry the recommendations of the board into effect, and such order is final and shall be complied with in accordance with its terms. Minister's order

(7) The Lieutenant Governor in Council may determine the rate of remuneration of the chairman and members of the boards of inquiry appointed under this section. 1961-62, c. 93, s. 13. Remuneration

PART IV

15. Every person who contravenes any of the provisions of this Act or any order made under this Act is guilty of an offence and on summary conviction is liable, Offence

- (a) if an individual, to a fine of not more than \$500; or
- (b) if a corporation, trade union, employers' organization or employment agency, to a fine of not more than \$2,000. 1961-62, c. 93, s. 14 (1); 1968-69, c. 83, s. 3.

16. No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister. 1961-62, c. 93, s. 15. Consent to prosecution

17. A prosecution for an offence under this Act may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the trade union or employers' organization shall be deemed to be an act or thing done or omitted by the trade union or employers' organization. 1961-62, c. 93, s. 16. Style of prosecutions

18.—(1) Where a person has been convicted of a contravention of this Act, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order enjoining such person from continuing such contravention. Injunction proceedings

(2) The judge in his discretion may make such order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. 1961-62, c. 93, s. 17. Idem

PART V

Interpre-
tation**19.** In this Act,

- (a) “commercial unit” means any building or other structure or part thereof that is used or occupied or is intended, arranged or designed to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property, or any space that is used or occupied or is intended, arranged or designed to be used or occupied as a separate business or professional unit or office in any building or other structure or in a part thereof;
- (b) “Commission” means the Ontario Human Rights Commission;
- (c) “employers’ organization” means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
- (d) “employment agency” includes a person who undertakes with or without compensation to procure employees for employers and a person who undertakes with or without compensation to procure employment for persons;
- (e) “establishment” means a place of business or the place where an undertaking or a part thereof is carried on;
- (f) “Minister” means the Minister of Labour or such other member of the Executive Council to whom this Act is assigned by the Lieutenant Governor in Council;
- (g) “pay” means remuneration in any form;
- (h) “person”, in addition to the extended meaning given it by *The Interpretation Act*, includes an employment agency, an employers’ organization and a trade union;
- (i) “trade union” means an organization of employees formed for purposes that include the regulation of relations between employees and employers. 1961-62, c. 93, s. 18; 1965, c. 85, s. 4.

R.S.O. 1970,
c. 225

CHAPTER 319

The Ontario Institute for Studies in Education Act

1. In this Act,

Interpre-
tation

- (a) "Board" means The Board of Governors of The Ontario Institute for Studies in Education;
- (b) "Institute" means The Ontario Institute for Studies in Education;
- (c) "Minister" means the Minister of Education. 1965, c. 86, s. 1.

2. The college known as "The Ontario Institute for Studies in Education" is continued and the affairs of the Institute shall be under the management and control of the Board. 1965, c. 86, s. 2, *amended*.

Institute
continued

3. The objects of the Institute are,

Objects

- (a) to study matters and problems relating to or affecting education, and to disseminate the results of and assist in the implementation of the findings of educational studies;
- (b) to establish and conduct courses leading to certificates of standing and graduate degrees in education. 1965, c. 86, s. 3.

4.—(1) The board of governors, which is a body corporate under the name "The Board of Governors of The Ontario Institute for Studies in Education", is continued. 1965, c. 86, s. 4 (1), *amended*.

Board
continued

(2) The Board shall be composed of,

Composition

- (a) the Director of the Institute; and
- (b) the following members appointed by the Lieutenant Governor in Council upon the recommendation of the Minister:
 - (i) representatives of the teacher-training institutions of Ontario,
 - (ii) representatives of the University of Toronto, nominated by its President,

- (iii) representatives of the provincially-assisted universities of Ontario, nominated by the Committee of Presidents of Provincially Assisted Universities of Ontario,
- (iv) representatives of the Department of Education,
- (v) representatives of the Ontario Teachers' Federation, nominated by its Board of Governors,
- (vi) representatives of the Ontario School Trustees' Council, nominated by its Council,
- (vii) representatives of provincial associations of directors of education, school superintendents and inspectors, nominated by the associations,
- (viii) persons who are residents of Ontario,
- (ix) members of the administrative and instructional staff of the Institute, in addition to the Director.

- Regulations (3) The Lieutenant Governor in Council may make regulations,
- (a) fixing the number of members of the Board to be appointed under clause *b* of subsection 2 and prescribing their terms of office;
 - (b) prescribing the conditions of service of members of the Board, including rules for eligibility for reappointment, conditions under which membership is vacated and procedures for filling vacancies on the Board.

- Expenses of members (4) The members of the Board may be paid such amounts for travelling and other expenses incurred in carrying out their duties as the Board, subject to the approval of the Minister, may determine from time to time. 1965, c. 86, s. 4 (2-4).

Powers of Board

5. The Board may,

- (a) make such by-laws, rules and regulations as are considered expedient for the administration of its affairs, including the fixing of a quorum of the Board, and may prescribe tuition fees for courses offered by the Institute and the powers and duties of the academic council;
- (b) appoint, promote, transfer or remove such members of the administrative staff, instructional staff and maintenance staff as are necessary for the proper conduct of the affairs of the Institute, and fix their salaries or remuneration and increments and define their duties, qualifications and tenure of office or employment;
- (c) appoint a Director, who in the first instance shall be a person recommended by the Minister, and other officers and prescribe their powers and duties and fix their salaries or remuneration and tenure of office or employment;

- (d) appoint by resolution a member or members of the Board, or any other person or persons, to execute on behalf of the Board any documents and other instruments in writing and to affix the corporate seal of the Board thereto;
- (e) appoint committees from the membership of the Board and confer upon any of such committees authority to act for the Board with respect to any matter or classes of matters;
- (f) with the approval of the Minister,
 - (i) provide for the retirement and superannuation of persons mentioned in clauses *b* and *c*,
 - (ii) provide for payments by way of gratuities, retirement allowances, accumulative sick leave allowances, superannuation allowances, pensions, annuities, life insurance or health insurance, or any combination thereof, payable to any representative or for the benefit of the persons mentioned in clauses *b* and *c*, or any class or classes thereof, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Board, or both, or otherwise,
 - (iii) expend such sums as may be required for the purposes of funds that are established for the payment of gratuities, retirement allowances, pensions, life insurance or health insurance, for the benefit of the persons mentioned in subclause ii,
 - (iv) make arrangements for the use by the Institute of any publicly-supported educational institution for demonstration or experimental purposes or for the services of one or more teachers in such educational institution in the conduct of any demonstration or experiment or other research study,
 - (v) enter into agreements with any association or organization having objects similar to those of the Institute for the acquisition of the assets of the association or organization or providing for the joint operation of research programs, and
 - (vi) enter into agreements of affiliation with one or more universities relating to the establishment and conduct of programs leading to degrees in education. 1965, c. 86, s. 5; 1966, c. 102, s. 1.

6.—(1) The Board shall elect a chairman and vice-chairman from among its members for a period of one year, but the chairman and vice-chairman shall continue to hold office until their successors are elected.

Chairman,
vice-
chairman

Presiding
officer

(2) The chairman shall preside at all meetings of the Board and, in his absence, the vice-chairman shall preside, and, in the absence of both the chairman and vice-chairman, the members present at a meeting shall elect one of themselves to preside. 1965, c. 86, s. 6.

Academic
council

7. The Board shall establish an academic council composed of any class of instructional staff and officers of the Institute with such powers and duties as may be prescribed by by-law of the Board. 1965, c. 86, s. 7.

Fiscal
year

8. The fiscal year of the Board shall extend from the 1st day of July of any year to the 30th day of June of the following year. 1965, c. 86, s. 8.

Cost

9. The cost of the establishment, maintenance and conduct of the Institute shall be payable to the Board out of the moneys appropriated therefor by the Legislature and out of revenues derived from tuition fees, grants from individuals and organizations and from other sources. 1965, c. 86, s. 9; 1966, c. 102, s. 2, *amended*.

Audit

10. The accounts and financial transactions of the Board shall be audited annually by an auditor or auditors appointed by the Board. 1965, c. 86, s. 10.

Annual
report

11. The Board shall make a report annually to the Minister upon the affairs of the Institute, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1965, c. 86, s. 11; 1966, c. 102, s. 3.

Property
vested in
Board

12.—(1) The real and personal property of the Institute is vested in the Board, and all income of the Institute, including all moneys referred to in section 9, is the property of the Board.

Tax
exemption

(2) The real and personal property, business and income of the Institute and the Board and the premises leased to and occupied by the Institute or the Board are not subject to taxation for provincial or municipal or school purposes. 1966, c. 102, s. 4.

Super-
annuation
R.S.O. 1970,
c. 455

13. *The Teachers' Superannuation Act* applies to the instructional staff of the Institute in the same manner as if the Institute were specified by name in subclause vi of clause e of section 1 of that Act. 1965, c. 86, s. 14.

CHAPTER 320

**The Ontario Labour-Management
Arbitration Commission Act****1.** In this Act,Interpre-
tation

- (a) “Commission” means The Ontario Labour-Management Arbitration Commission;
- (b) “Minister” means the Minister of Labour;
- (c) “regulations” means the regulations made under this Act. 1968, c. 86, s. 1.

2.—(1) The commission known as The Ontario Labour-Management Arbitration Commission is continued. Commission continued

(2) The Commission shall consist of seven members appointed by the Lieutenant Governor in Council, of whom one shall be designated as chairman to hold office during the pleasure of the Lieutenant Governor in Council. Composition

(3) Three members of the Commission shall be representatives of employers and three members shall be representatives of employees. Idem

(4) The representatives of employers and employees on the Commission shall be appointed for terms of one, two or three years and are eligible for reappointment. Term of office

(5) Vacancies in the membership of the Commission caused by death, resignation or otherwise may be filled by the Lieutenant Governor in Council. Vacancies

(6) The members of the Commission shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. Remuneration

(7) The Commission may appoint such officers and clerks as are necessary for the proper conduct of its work and, subject to the approval of the Lieutenant Governor in Council, may fix their salaries. 1968, c. 86, s. 2. Staff

3.—(1) The Commission may issue its approval to any person whom it considers suitable to act as an arbitrator. Approval

(2) The Commission shall cause to be entered in a register maintained for the purpose the name of every person to whom its approval is issued under subsection 1. Register of approved persons

- Refusal, etc. (3) The Commission may, after a hearing which may be either public or *in camera* as it considers proper, refuse to issue its approval or may suspend or revoke its approval.
- Record (4) There shall be a verbatim record of every such hearing.
- Appeal (5) Where the Commission refuses to issue its approval to any person or suspends or revokes its approval of any person, he may, within fifteen days after receipt of the decision of the Commission, appeal to a county or district judge of the county or district court of the county or district in which he resides and if the judge finds, upon the record or other evidence admitted by his leave, that there has been a denial of natural justice occasioned by the action of the Commission he may make such order as he considers proper, and thereupon the Commission shall act accordingly. 1968, c. 86, s. 3.
- Full-time arbitrators **4.—**(1) The Commission may employ on a full-time basis such persons as it considers necessary to act as arbitrators and may fix their salaries.
- Part-time arbitrators (2) In order to ensure adequate levels of remuneration for arbitrators who act part-time, the Commission may schedule assignments and adopt such other methods and procedures as it considers proper. 1968, c. 86, s. 4.
- Duties and functions of Commission **5.** The duties and functions of the Commission are to,
- (a) maintain for the use of parties to an arbitration a register of approved arbitrators;
 - (b) assist arbitrators by making the administrative arrangements required for the conduct of arbitrations;
 - (c) sponsor training programs for arbitrators;
 - (d) sponsor the publication and distribution of information in respect of arbitration processes and awards; and
 - (e) sponsor research in respect of arbitration processes and awards. 1968, c. 86, s. 5.
- Fees **6.—**(1) The Commission may collect such fees for services provided to employers and employees as are fixed by the regulations.
- Expenditure of fees (2) Fees collected by the Commission shall be expended to defray its expenses in carrying out its duties and functions. 1968, c. 86, s. 6.
- Annual report **7.—**(1) The Commission shall report annually to the Minister upon the affairs of the Commission.
- Tabling of report (2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before

the Assembly if it is in session or, if not, at the next ensuing session. 1968, c. 86, s. 7.

8. The moneys required for the purposes of this Act shall be ^{Moneys} paid out of the moneys appropriated therefor by the Legislature. 1968, c. 86, s. 8, *amended*.

9. Subject to the approval of the Lieutenant Governor in ^{Regulations} Council, the Commission may make regulations,

- (a) governing the assignment of arbitrators to conduct arbitrations and the carrying out and completion of such assignments;
 - (b) providing for and fixing the remuneration and expenses payable in respect of arbitrations carried out by arbitrators registered with the Commission and providing for the payment of such fees and expenses by the parties to the arbitration;
 - (c) providing for and fixing fees for services provided to employers and employees by the Commission;
 - (d) governing the conduct of hearings and prescribing procedures therefor;
 - (e) prescribing forms and providing for their use;
 - (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1968, c. 86, s. 9.
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CHAPTER 321

**The Ontario Law Reform Commission
Act**

1.—(1) The commission known as “Ontario Law Reform Commission” is continued. Ontario Law reform Commission continued

(2) The Commission shall be composed of three or more members appointed by the Lieutenant Governor in Council. Composition

(3) The Lieutenant Governor in Council may designate one of the members as chairman. Chairman

(4) The Lieutenant Governor in Council may fix the remuneration of the members of the Commission. Remuneration

(5) The Commission may engage a secretary and such other persons as are considered necessary and provide for the payment of their remuneration and expenses out of such moneys as are appropriated therefor by the Legislature. 1964, c. 78, s. 1. Employees

2.—(1) It is the function of the Commission to inquire into and consider any matter relating to, Functions

- (a) reform of the law having regard to the statute law, the common law and judicial decisions;
- (b) the administration of justice;
- (c) judicial and quasi-judicial procedures under any Act; or
- (d) any subject referred to it by the Minister of Justice and Attorney General. 1964, c. 78, s. 2 (1), *amended*.

(2) The Commission may institute and direct legal research for the purpose of carrying out its functions. 1964, c. 78, s. 2 (2). Research

(3) The Commission shall report from time to time to the Minister of Justice and Attorney General. 1964, c. 78, s. 2 (3), *amended*. Report

3. The moneys required for the purposes of this Act shall be paid out of such moneys as are appropriated therefor by the Legislature. 1964, c. 78, s. 3, *amended*. Expenses of administration

CHAPTER 322

**The Ontario Mental Health Foundation
Act**

PART I

THE ONTARIO MENTAL HEALTH FOUNDATION

1. The corporation known as The Ontario Mental Health Foundation, herein referred to as “the Foundation”, is continued. 1960-61, c. 67, s. 1, *amended* Foundation established

2.—(1) The Foundation shall consist of not fewer than seven members who shall be appointed by the Lieutenant Governor in Council and who shall hold office during pleasure. Members

(2) The Lieutenant Governor in Council may fill any vacancies that may occur from time to time in the membership of the Foundation. Vacancies

(3) Five of the members of the Foundation constitute a quorum for the transaction of business. 1960-61, c. 67, s. 2. Quorum

3.—(1) The Lieutenant Governor in Council may appoint one of the members to be chairman of the Foundation and another of the members to be vice-chairman of the Foundation. Chairman and vice-chairman

(2) The chairman shall preside at all meetings of the Foundation at which he is present and in his absence the vice-chairman shall preside and in the absence of both the chairman and the vice-chairman the members present shall elect one of themselves to preside. 1960-61, c. 67, s. 3. Presiding officer

4. Subject to the approval of the Lieutenant Governor in Council, the Foundation may appoint an advisory medical board consisting of such persons representative of the medical faculties of University of Toronto, Queen’s University, The University of Western Ontario and Université d’Ottawa, and of psychiatrists and the medical profession generally as the Foundation considers appropriate. 1960-61, c. 67, s. 4. Advisory medical board

5. The object of the Foundation is to establish and conduct a program of research, diagnosis and treatment in mental health, including, Object

- (a) the establishment, maintenance and operation of research, diagnostic and treatment centres in general hospitals and elsewhere;
- (b) the transportation of patients and escorts to its treatment centres or to community hospitals for diagnosis, treatment or investigation;
- (c) the establishment, maintenance and operation of hostels in connection with its treatment centres and community hospitals;
- (d) the laboratory and clinical investigation of psychiatric disorders;
- (e) the co-ordination of facilities for treatment;
- (f) the adequate reporting of cases and the recording and compilation of data;
- (g) the education of the public in the importance of early recognition and treatment;
- (h) the providing of facilities for under-graduate and post-graduate study;
- (i) the training of technical personnel; and
- (j) the providing and awarding of research fellowships. 1960-61, c. 67, s. 5.

Agreements **6.** Subject to the approval of the Lieutenant Governor in Council, the Foundation may make agreements with universities, medical associations, hospitals and persons for the purpose of carrying out the object of the Foundation. 1960-61, c. 67, s. 6.

Staff **7.** The Foundation may employ a director and officers, clerks and servants and may engage the services of experts and other persons and may pay such director, officers, clerks, servants, experts and other persons such remuneration as it considers proper out of its funds. 1960-61, c. 67, s. 7.

By-laws **8.** Subject to the approval of the Lieutenant Governor in Council, the Foundation may make such by-laws, rules and regulations as are considered expedient for the administration of its affairs. 1960-61, c. 67, s. 8.

Funds **9.** The funds of the Foundation consist of moneys received by it from any source, including moneys appropriated for its use by the Parliament of Canada or the Legislature of Ontario, and the Foundation may disburse, expend or otherwise deal with any of its funds in such manner not contrary to law as it considers proper. 1960-61, c. 67, s. 9.

10. The real and personal property, business and income of the Foundation is not subject to taxation for municipal or provincial purposes. 1964, c. 80, s. 2. Exemption
from
taxation

11. The members of the Foundation and its medical advisory board shall be paid such amounts for travelling and other expenses as the Foundation, subject to the approval of the Lieutenant Governor in Council, may determine from time to time. 1960-61, c. 67, s. 10. Expenses

12. The accounts of the Foundation shall be audited annually by the Provincial Auditor or by such qualified auditor as the Lieutenant Governor in Council may designate, in which event the costs of the audit shall be paid out of the funds of the Foundation. 1960-61, c. 67, s. 11. Audit

13.—(1) The Foundation shall after the close of each fiscal year make a report upon its affairs during the preceding year to the Minister of Health and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the Foundation during the preceding year. Annual
report

(2) The Minister of Health shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1960-61, c. 67, s. 12. Idem

PART II

CLARKE INSTITUTE OF PSYCHIATRY

14. The corporation known as The Dr. C. K. Clarke Institute of Psychiatry is continued under the name "Clarke Institute of Psychiatry", in this Part referred to as the "Institute". 1965, c. 88, s. 1, *part*. Clarke
Institute of
Psychiatry

15.—(1) The Institute shall consist of not fewer than seven and not more than twelve persons to be appointed by the Lieutenant Governor in Council, of whom two shall be appointed upon the recommendation of the Minister of Health, at least two shall be members of the Foundation, and the remainder shall be appointed from among a list of persons nominated by the Foundation, and the persons who constitute the Institute also constitute the board of trustees of the Institute, in this Part referred to as the "Board". Members

(2) A member of the Institute shall hold office for three years and is eligible for reappointment for a second term of three years, but a member other than the chairman is not eligible for Term of
office

reappointment after having served a second term of three years until a period of twelve months has elapsed from the date of his retirement.

Vacancies

(3) The Lieutenant Governor in Council may fill any vacancies that occur from time to time in the membership of the Institute in accordance with the method of appointment prescribed by subsection 1. 1965, c. 88, s. 1, *part*.

Quorum

16. One-half of the total number of members of the Institute constitutes a quorum for the transaction of business at a meeting. 1965, c. 88, s. 1, *part*.

Chairman

17. The Lieutenant Governor in Council may appoint a member of the Foundation, or a member of the Institute appointed upon the nomination of the Foundation, as chairman of the Institute, who shall on appointment also be the chairman of the Board. 1965, c. 88, s. 1, *part*.

Objects

18. The objects of the Institute are to maintain, manage and operate a hospital with facilities for psychiatric research, education, diagnosis and treatment. 1965, c. 88, s. 1, *part*.

Agreements
with uni-
versities

19.—(1) Subject to the approval of the Foundation, the Institute may enter into agreements with any university for providing teaching or research facilities for that university in the hospital maintained and operated under this Act.

Other
agreements

(2) The Institute may enter into agreements with the Foundation or any university, medical association, hospital or any person for the purpose of carrying out the objects of the Institute. 1965, c. 88, s. 1, *part*.

Director
and staff

20. The Institute may employ a director and such staff as may from time to time be required for the purposes of the Institute and may pay such director and staff such remuneration as it considers proper out of its funds. 1965, c. 88, s. 1, *part*.

By-laws,
etc.

21. Subject to the approval of the Foundation, the Institute may make such by-laws, rules or regulations as are considered expedient for the administration of its affairs. 1965, c. 88, s. 1, *part*.

Funds

22.—(1) The funds of the Institute consist of moneys received by it from any source, including the Foundation, and the Institute may disburse, expend or otherwise deal with any of its funds in such manner, not contrary to law, as it considers proper.

Estimates

(2) The Institute shall annually prepare and submit to the Foundation the estimates of the moneys required for its purposes during its ensuing fiscal year. 1965, c. 88, s. 1, *part*.

23. The real and personal property, business and income of the Institute are not subject to taxation for municipal or provincial purposes. 1965, c. 88, s. 1, *part*. Exemption from taxation

24. The members of the Institute may be paid such amounts for travelling and other expenses incurred in the work of the Institute as the Institute may determine from time to time. 1965, c. 88, s. 1, *part*. Expenses

25. The accounts and financial transactions of the Institute shall be audited annually by the Provincial Auditor or by such other auditor as the Lieutenant Governor in Council may appoint. 1965, c. 88, s. 1, *part*. Audit

26.—(1) The Institute shall, after the close of each fiscal year, make a report on its affairs during the preceding year to the Minister of Health and to the Foundation, and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the Institute during the preceding year. Annual report

(2) The Minister of Health shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1965, c. 88, s. 1, *part*. Idem

27.—(1) The Institute may admit any person, Admission to Institute

- (a) upon his own oral or written application;
- (b) in the case of any person under the age of sixteen years, upon the oral or written application of a parent or the person who stands *in loco parentis* to the person seeking admission. 1965, c. 88, s. 1, *part*.

(2) For the purposes of this Part, Application of R.S.O. 1970, cc. 270, 363

- (a) sections 13 and 14 of *The Mental Hospitals Act*; and
- (b) sections 13 to 15, subsections 1 and 3 of section 20, subsection 3 of section 24, sections 36, 37, 44 to 46 and 55 of *The Private Sanitaria Act*,

apply *mutatis mutandis* to the Institute, and, for the purposes of this subsection, the Institute shall be deemed to be an institution or sanitarium, as the case may be, and the psychiatrist designated by the Board may exercise all the powers conferred on, and perform all the functions exercisable by, the superintendent of an institution or sanitarium, as the case may be. 1965, c. 88, s. 1, *part*; 1966, c. 104, s. 1, *amended*.

(3) Notwithstanding subsections 1 and 2, a person may be admitted to the Institute only after the Institute has informed the Accommodation available

applicant that accommodation is available for the person to be admitted. 1965, c. 88, s. 1, *part*.

Transfer
to public
hospital

28. A patient in the Institute may be transferred to a public hospital for treatment and may be returned to the Institute upon the conclusion of the treatment. 1965, c. 88, s. 1, *part*.

Charges for
services

29. The Board may prescribe and collect charges for its services to a person who is or has been a patient in the Institute. 1965, c. 88, s. 1, *part*.

Limitation
of actions

30.—(1) All actions against any person for anything done or omitted to be done in pursuance or in purported pursuance of this Act shall be commenced within six months after the act or omission complained of has been committed, and not afterwards.

Torts of
patients

(2) No action lies against the Institute or an officer, employee or servant thereof for a tort of a patient. 1965, c. 88, s. 1, *part*.

CHAPTER 323

The Ontario Municipal Board Act

PART I

INTERPRETATION

1.—(1) In this Act,

Inter-
pre-
tation

- (a) “Board” means the Ontario Municipal Board;
- (b) “local board” means a school board, public utility commission, transporation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof;
- (c) “municipality” means the corporation of a county, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory;
- (d) “public utility” means a waterworks, gasworks, including works for the production, transmission, distribution and supply of natural gas, electric heat, light and power works, and telegraph lines, or any works supplying the general public with necessities or conveniences.
R.S.O. 1960, c. 274, s. 1 (1), *amended*.

(2) The interpretation sections of *The Railways Act* apply to this Act. R.S.O. 1960, c. 274, s. 1 (2).

Inter-
pre-
tation under
R.S.O. 1950,
c. 331

2. The provisions of this Act relating to railways apply to all railways, whether operated by steam, electricity or other motive power, including street railways. R.S.O. 1960, c. 274, s. 2.

Application
of Act to all
railways

3. Where in any general or special Act reference is made to the Ontario Railway and Municipal Board or to that board under any other name, it shall be deemed that such reference is made to the Board as named in this Act. R.S.O. 1960, c. 274, s. 3.

References
to former
board

PART II

CONSTITUTION OF BOARD

Municipal
Board
continued

4. The Ontario Municipal Board is continued under the provisions of this Act. R.S.O. 1960, c. 274, s. 4.

Com-
position
of Board

5.—(1) The Board shall be composed of as many members as the Lieutenant Governor in Council may from time to time determine.

Appoint-
ments

(2) The Lieutenant Governor in Council shall appoint the members of the Board and shall appoint one member as chairman and may appoint one vice-chairman or more. R.S.O. 1960, c. 274, s. 5.

Salary

(3) A member of the Board shall be paid such salary as may be fixed by the Lieutenant Governor in Council.

How
payable

(4) The salaries and travelling expenses of members of the Board are payable out of the moneys appropriated therefor by the Legislature.

Application
of R.S.O. 1970,
c. 386

(5) *The Public Service Act*, except sections 4 and 6, applies to members of the Board.

Application
of
R.S.O. 1970,
c. 387

(6) *The Public Service Superannuation Act* applies and shall be deemed always to have applied to members of the Board. 1964, c. 81, s. 1, *amended*.

Vacancies

6. Vacancies in membership of the Board caused by death, resignation or otherwise may be filled by the Lieutenant Governor in Council. R.S.O. 1960, c. 274, s. 6.

Tenure of
office

7. Members of the Board shall hold office during pleasure. R.S.O. 1960, c. 274, s. 7.

Absence,
etc., of
chairman

8. Where,

- (a) the chairman is absent or unable to act, a vice-chairman designated by the chairman; or
- (b) the office of chairman is vacant, a vice-chairman designated by the Minister of Municipal Affairs,

has and shall exercise the jurisdiction and powers of the chairman, including the power to complete any unfinished matter. R.S.O. 1960, c. 274, s. 8.

Presump-
tion of
having duly
acted

9. Whenever it appears that a vice-chairman has acted for and instead of the chairman, it shall conclusively be presumed that he has so acted in the absence or disability of or vacancy in the office of the chairman. R.S.O. 1960, c. 274, s. 9.

10. A vacancy in membership of the Board or the absence or inability of a member to act does not impair the powers of the Board or of the remaining members who shall exercise all the jurisdiction and powers of the Board. R.S.O. 1960, c. 274, s. 10.

Powers of Board on vacancy

11.—(1) Where a member of the Board resigns his office, retires or is appointed to another position in the service of the Crown, he shall, during such period of time as the Lieutenant Governor in Council designates, in respect of any application, proceeding, matter or thing heard before him or commenced by him as a member of the Board, have and exercise the jurisdiction and powers of a member of the Board including the power to complete any unfinished matter and give a decision therein as if he had not so resigned, retired or been appointed.

Completion of matters by members who retire, resign, etc.

(2) An order in council under subsection 1 may be made before or after such resignation, retirement or appointment and may be retroactive in effect. R.S.O. 1960, c. 274, s. 11.

Order in council

12.—(1) Except as provided in section 15, two members of the Board form a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board and not fewer than two members shall attend at the hearing of every application. R.S.O. 1960, c. 274, s. 12 (1).

Quorum

(2) Where the number of members of the Board attending at the hearing of an application is more than two, the number shall be uneven, and the decision of the majority of such members constitutes the decision of the Board. 1968-69, c. 86, s. 1.

Where more than two members attend hearing

(3) All orders, rules, regulations, certificates and other documents made or issued by the Board may be signed by any member of the Board or the secretary of the Board or any officer of the Board designated by the Lieutenant Governor in Council as a signing officer. R.S.O. 1960, c. 274, s. 12 (2).

Signature of orders, etc.

13. The chairman shall from time to time assign the members of the Board to its various sittings and may change any such assignments at any time and the chairman may from time to time direct any officer or other member of the staff of the Board to attend any of the sittings of the Board and may prescribe his duties. R.S.O. 1960, c. 274, s. 13.

Assignment of members and staff for sittings

14. The chairman, when present, shall preside at all sittings of the Board, and his opinion upon any question of law shall prevail. R.S.O. 1960, c. 274, s. 14.

Questions of law

15.—(1) The chairman may authorize one member of the Board to conduct the hearing of an application and to report to the Board, and such member has all the powers of the Board for the purpose of such hearing. R.S.O. 1960, c. 274, s. 15 (1).

One member may conduct hearing

Report

(2) The report of such member may be adopted as the order or decision of the Board by the chairman or by two other members of the Board, one of whom shall be a vice-chairman, or may be otherwise dealt with as the Board considers proper. 1967, c. 68, s. 1.

Attendance
to duties

16. Unless otherwise authorized by statute or the rules of the Assembly or the Lieutenant Governor in Council, the members shall devote the whole of their time to the performance of their duties as members of the Board, and shall not accept or hold any office or employment inconsistent with such duties. R.S.O. 1960, c. 274, s. 16.

Prohibition
against,

17. No member or officer of the Board shall, directly or indirectly,

holding
municipal
securities,
railway
stock, etc.

(a) hold, purchase, take, deal in or become interested in any stock, bond, debenture, share or other security of any municipality in Ontario or of any railway or public utility company or any company that in any way controls a railway or public utility;

having
interest in
contract

(b) become concerned or interested in any contract, undertaking or work with or for any municipality, railway or public utility company;

having
interest in
appliances

(c) have any interest in any device, appliance, machine, patented process or article or in any part thereof that may be required or used for the purpose of the business of any municipality, railway or public utility company. R.S.O. 1960, c. 274, s. 17.

Duty to
dispose of
interest

18. If a member or officer of the Board, by will, succession, or otherwise for his own benefit, directly or indirectly, becomes the owner, holder or otherwise vested with or interested in any stock, bond, debenture, share, security, contract, undertaking, work, device, appliance, machine, patented process or article mentioned in section 17, he shall within one year thereafter absolutely sell and dispose of the same or his interest therein. R.S.O. 1960, c. 274, s. 18.

Members of
Board not
to be
officers or
directors of
certain
companies

19. No member or officer of the Board shall act as director or officer of any railway or public utility company or of any company that has power to invest any portion of its funds in the securities of a municipality, railway or public utility company. R.S.O. 1960, c. 274, s. 19.

Securing
assistance
for purpose
of inquiry

20. For the purpose of any inquiry or examination conducted by it or in the performance of any of the other duties assigned to it by this or any other Act or by the Lieutenant Governor in Council, the Board may, with the consent of the Minister in

charge of any department of the Government, avail itself of the services of any officer or employee of such department, and for any such purpose it may, with the approval of the Lieutenant Governor in Council, avail itself of the services of any member, officer or employee of any board or commission established by Act of the Legislature. R.S.O. 1960, c. 274, s. 20.

21. The Lieutenant Governor in Council shall provide within the City of Toronto a suitable place in which the sittings of the Board may be held and also suitable offices for the members, secretary, staff and other employees and all necessary furnishings, stationery and equipment for the establishment, conduct and maintenance of the same and for the performance of the duties of the Board. R.S.O. 1960, c. 274, s. 21.

Offices at
Toronto

22. The Board shall sit at such times and places within Ontario as the chairman may from time to time designate and shall conduct its proceedings in such manner as it may consider most convenient for the speedy and effectual dispatch of its duties. R.S.O. 1960, c. 274, s. 22.

Sittings of
Board

23. The sittings of the Board may be either private or open to the public, but any complaint made to the Board shall, on the application of any party thereto, be publicly heard. R.S.O. 1960, c. 274, s. 23.

Private or
public

24. Where sittings of the Board or any member thereof are appointed to be held in any municipality in which a court house is situate, the Board or members have in all respects the same authority and right as a judge of the Supreme Court with respect to the use of the court house and any part thereof, and of other buildings and apartments set aside in the municipality for the administration of justice. R.S.O. 1960, c. 274, s. 24.

Use of
court house

25. Where sittings of the Board or any member thereof are appointed to be held in any municipality in which there is a hall belonging to the corporation thereof, but no court house, the corporation shall, upon request, allow such sittings to be held in such hall and shall make all arrangements necessary and suitable for such purpose. R.S.O. 1960, c. 274, s. 25.

Use of
town hall

26.—(1) The Lieutenant Governor in Council may from time to time, upon the recommendation of the Board, appoint one or more experts or persons having technical or special knowledge of matters or subjects within the jurisdiction of the Board or in question in respect of any particular matter or subject before the Board to assist the Board in an advisory or other capacity. R.S.O. 1960, c. 274, s. 26.

Experts

Acting
member

(2) The Lieutenant Governor in Council, on the recommendation of the chairman of the Board, may from time to time appoint as an acting member of the Board a person who, in the opinion of the chairman, is specially qualified to assist the Board with respect to any particular application to be assigned by the chairman to act with any two members of the Board for the purpose of hearing and determining such application and the person so appointed has all the powers of a member of the Board for such purpose and is entitled to such remuneration as the Lieutenant Governor in Council may authorize. R.S.O. 1960, c. 274, s. 26.

Secretary

27.—(1) There shall be a secretary of the Board who shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure.

Acting
secretary

(2) Where the office of the secretary is vacant or in his absence or inability to act, the Board may appoint a secretary *pro tempore*, who shall act in the place of the secretary, or a member of the Board may act as secretary. R.S.O. 1960, c. 274, s. 27.

Duties of
secretary:
keep
minutes

28. It is the duty of the secretary,

(a) to keep a record of all applications to and proceedings before the Board or any member;

custody of
records

(b) to have the custody and care of all records and documents of or pertaining to the business of or proceedings before the Board or any member, or filed in his office;

authenticat-
ion of
regulations,
orders, etc.

(c) to have every order, rule, regulation and certificate drawn pursuant to the directions of the Board and according to the provisions of any statute affecting the same properly authenticated and issued, filed and otherwise dealt with as may be requisite;

record
books

(d) to keep proper books of record in which he shall cause to be entered a true copy of every order, rule and regulation made by the Board and of every other document that the Board may require to be entered therein, and such entry constitutes and is the original record of every such order, rule, regulation and document;

other
matters

(e) to carry out such other functions and duties as may by statute, the Lieutenant Governor in Council or the Board be assigned to him or his office;

obey
directions

(f) to obey all rules, regulations and directions made or given by the Board touching his duties or his office. R.S.O. 1960, c. 274, s. 28.

Certified
copies of
regulations
or orders

29. Upon application of any person and on payment of such fees as the Board may prescribe, the secretary shall deliver to such person a certified copy of any order, rule, regulation, certificate or

other document made, given or issued by the Board. R.S.O. 1960, c. 274, s. 29.

30. Whenever the Board by virtue of any power vested in it appoints or directs any person other than a member of the staff of the Board to perform any service required by this or any other Act, such person shall be paid such sum for services and expenses as, upon the recommendation of the Board, the Lieutenant Governor in Council may approve. R.S.O. 1960, c. 274, s. 30.

Remuneration of appointee

31. No member of the Board or its secretary or any of its staff is required to give testimony in any civil suit with regard to information obtained by him in the discharge of his official duty. R.S.O. 1960, c. 274, s. 31.

Protection from being called as witnesses

32. No member of the Board or its secretary or any of its staff is personally liable for anything done by it or by him under the authority of this or any other Act. R.S.O. 1960, c. 274, s. 32.

Protection from personal liability

PART III

GENERAL JURISDICTION AND POWERS

33. The Board for all purposes of this Act has all the powers of a court of record and shall have an official seal which shall be judicially noticed. R.S.O. 1960, c. 274, s. 33.

Board to have powers of court of record and a seal

34. The Board, as to all matters within its jurisdiction under this Act, has authority to hear and determine all questions of law or of fact. R.S.O. 1960, c. 274, s. 34.

Power to determine law and fact

35. The Board has exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this Act or by any other general or special Act. R.S.O. 1960, c. 274, s. 35.

Jurisdiction exclusive

36. The Board has jurisdiction and power,

General jurisdiction and powers

- (a) to hear and determine all applications made, proceedings instituted and matters brought before it under this Act or any other general or special Act and for such purpose to make such orders, rules and regulations, give such directions, issue such certificates and otherwise do and perform all such acts, matters, deeds and things, as may be necessary or incidental to the exercise of the powers conferred upon the Board under such Act;
- (b) to perform such other functions and duties as are now or hereafter conferred upon or assigned to the Board by statute or under statutory authority;

- (c) to order and require or forbid, forthwith or within any specified time and in any manner prescribed by the Board, the doing of any act, matter or thing or the omission or abstention from doing or continuance of any act, matter or thing, which any person, firm, company, corporation or municipality is or may be required to do or omit to be done or to abstain from doing or continuing under this or any other general or special Act, or under any order of the Board or any regulation, rule, by-law or direction made or given under any such Act or order or under any agreement entered into by such person, firm, company, corporation or municipality;
- (d) to make, give or issue or refuse to make, give or issue any order, directions, regulation, rule, permission, approval, certificate or direction, which it has power to make, give or issue. R.S.O. 1960, c. 274, s. 36 (1).

Powers of
Supreme
Court
exercisable
by Board

37. The Board for the due exercise of its jurisdiction and powers and otherwise for carrying into effect the provisions of this or any other general or special Act, has all such powers, rights and privileges as are vested in the Supreme Court with respect to the amendment of proceedings, addition or substitution of parties, attendance and examination of witnesses, production and inspection of documents, entry on and inspection of property, enforcement of its orders and all other matters necessary or proper therefor. R.S.O. 1960, c. 274, s. 37.

Jurisdiction
under
letters
patent
R.S.O. 1970,
c. 89

38. Where by the provisions of any letters patent or supplementary letters patent of any corporation, heretofore or hereafter issued under *The Corporations Act* or any other general or special Act, any jurisdiction is conferred upon the Board or it is provided that any matter in any way may be referred to the Board with respect thereto, it has power to inquire into, hear and determine all matters and things necessary or incidental to the due exercise of such jurisdiction and reference and to make and give orders, directions, regulations, rules, permissions, approvals, sanctions and certificates as to the Board may seem proper. R.S.O. 1960, c. 274, s. 38.

Where
Board's
approval
not given

39. Where by this or any other general or special Act the permission, approval or sanction of the Board is necessary to the exercise of any power or the doing, or the abstention from doing or continuing to do any act, matter, deed or thing, such power shall not be exercised or act, matter, deed or thing be done or abstained from being done or be continued until such permission, approval or sanction has been obtained. R.S.O. 1960, c. 274, s. 39.

When
Board
may act

40.—(1) The Board may, of its own motion, and shall, upon the request of the Lieutenant Governor in Council, inquire into,

hear and determine any matter or thing that it may inquire into, hear and determine upon application or complaint, and with respect thereto has and may exercise the same powers as, upon any application or complaint, are vested in it.

(2) Any power or authority vested in the Board under this or any other general or special Act may, though not so expressed, be exercised from time to time, or at any time, as the occasion may require. R.S.O. 1960, c. 274, s. 40. Power to act from time to time

41.—(1) The Lieutenant Governor in Council may from time to time, upon the request of the Board, or of his own motion, appoint counsel to appear before the Board and conduct an inquiry or hearing or to represent the Board upon the argument of any appeal to the Court of Appeal or to any other court in an appeal from the Court of Appeal in cases where any such appeal may lie. Appointment of counsel

(2) The Board may direct that the costs of such counsel shall be paid by any party to the application, proceeding or matter, or by the Treasurer of Ontario. R.S.O. 1960, c. 274, s. 41. Costs

42. The Board may rehear any application before deciding it or may review, rescind, change, alter or vary any decision, approval or order made by it. R.S.O. 1960, c. 274, s. 42. Power to rehear, review, etc.

43. The Board shall, when required so to do by the Lieutenant Governor in Council, the Assembly or any committee thereof, make or cause to be made under its supervision an inquiry into any facts that the Lieutenant Governor in Council, the Assembly or any such committee may desire to ascertain before passing upon the propriety of any proposed change in the general law, or upon any proposed Bill relating to a municipality or to a railway or to any corporation or person operating or proposing to operate a public utility, and upon the conclusion of such inquiry the Board shall report its opinion thereon. R.S.O. 1960, c. 274, s. 43. Board to inquire and report on certain matters at request

44. The Lieutenant Governor in Council may at any time refer to the Board, for a report or other action, any question, matter or thing arising, or required to be done in respect of a municipality, railway or public utility subject to the jurisdiction of the Board, under any general or special Act, and the Board shall without unnecessary delay comply with the order in council. R.S.O. 1960, c. 274, s. 44. Reference by Lieutenant Governor in Council for report

45. The Board shall upon the request of the Lieutenant Governor in Council inquire into and report on the establishment, organization, reorganization and methods of operation of any two or more municipalities in any designated area and any question, matter or thing relating thereto. R.S.O. 1960, c. 274, s. 45. Inquiry on municipal organization

Board
may order
inquiries

46.—(1) The Board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute before the Board, or upon any matter or thing over which the Board has jurisdiction.

Costs

(2) The Board may order by whom and in what proportion the costs and expenses incurred in making such inquiry and report shall be paid, and may fix the amount of such costs and expenses. R.S.O. 1960, c. 274, s. 46.

General
powers

47. The Board may order and require any person or company, corporation or municipality to do forthwith or within or at any specified time, and in any manner prescribed by the Board, so far as is not inconsistent with this Act, any act, matter or thing that such person, company, corporation or municipality is or may be required to do under this Act, or under any other general or special Act, or under any regulation, order, direction, agreement or by-law, and may forbid the doing or continuing of any act, matter or thing that is in contravention of any such Act or of any such regulation, order, direction, agreement or by-law. R.S.O. 1960, c. 274, s. 47.

Adoption of
appliances
for pro-
tection of
life, etc.

48. The Board may require any person, company, corporation or municipality, subject to its jurisdiction, to adopt such means and appliances and to take and use such precautions as the Board considers necessary or expedient for the safety of life and property. R.S.O. 1960, c. 274, s. 48.

Duty, to
execute
works
ordered by
Board

49.—(1) When the Board, in the exercise of any power vested in it, by any order directs and any structure, appliances, equipment, works, renewals or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may order by what person, company, corporation or municipality interested or affected by such order, as the case may be, and when or within what time, and upon what terms and conditions as to the payment of compensation or otherwise, and under what supervision the same shall be provided, constructed, reconstructed, altered, installed, operated, used or maintained.

to pay
expenses of
them

(2) The Board may order by whom, in what proportion and when, the costs and expenses of providing, constructing, reconstructing, altering, installing and executing such structures, equipment, works, renewals or repairs, or of the supervision, if any, or of the continued operation, use or maintenance of the same, or of otherwise complying with such order, shall be paid. R.S.O. 1960, c. 274, s. 49.

Board's
powers
upon
default in
obeying
order

50. If default is made by a person, company, corporation or municipality in the doing of any act, matter or thing, that the Board has authority under this or any other general or special Act, to direct and has directed to be done, the Board may

authorize such person as it may see fit to do the act, matter or thing, and in every such case the person so authorized may do such act, matter or thing, and the expense incurred in the doing of the same may be recovered from the person, company, corporation or municipality in default as money paid for and at his or its request, and the certificate of the Board of the amount so expended is conclusive evidence thereof. R.S.O. 1960, c. 274, s. 50.

51. The Board also has power to enforce its orders and directions respecting any public utility in the manner and by the means provided in section 261 of *The Railways Act*. R.S.O. 1960, c. 274, s. 51. Enforcing orders of Board
R.S.O. 1950, c. 331

52. The Board, inspecting engineer, or person appointed under this Act to make any inquiry or report may, Powers respecting inquiries:

- (a) enter upon and inspect any place, building or works, being the property or under the control of any company, the entry or inspection of which appears to it or him requisite; entry
- (b) inspect any works, structure, rolling stock or property of the company; inspection
- (c) require the attendance of all such persons as it or he thinks fit to summon, and examine and require answers or returns to such inquiries as it or he thinks fit to make; attendance of witnesses
- (d) require the production of all books, papers, plans, specifications, drawings and documents, relating to any matter before it or him; production of documents, etc.
- (e) administer oaths, oaths

and has the like power to summon witnesses and enforce their attendance, and compel them to give evidence and to produce books, papers or things that they are required to produce, as is vested in any court in civil cases. R.S.O. 1960, c. 274, s. 52. summoning witnesses and enforcing attendance

PART IV

GENERAL MUNICIPAL JURISDICTION

53.—(1) The Board has jurisdiction and power in relation to municipal affairs, General municipal jurisdiction of the Board:

- (a) to approve the exercise in whole or in part of any of the powers by a municipality under any general or special Act that may or will involve or require the borrowing of money by the issue of debentures, or the incurring of any debt or the issuing of any debentures, which approval the municipality voluntarily applies for or is required by law to obtain; approving borrowings

- | | |
|---|---|
| approving
by-laws | (b) to approve any by-law or proposed by-law of a municipality, which approval the municipality voluntarily applies for or is required by law to obtain; |
| floating
debt | (c) to authorize the issue by a municipality, without the assent of the electors, of debentures to pay any floating indebtedness that it may have incurred, upon such terms, in such manner and at such times as the Board may approve, or to direct that such floating indebtedness be paid in such other manner and within such time as the Board may require; |
| callable
debentures | (d) to authorize the issue by a municipality, without the assent of the electors, of debentures to retire debentures that are redeemable before maturity, and the raising of the sum required for payment of such new debentures in the same manner as the sum required for payment of the retired debentures; |
| certifying
validity of
debentures | (e) to certify to the validity of debentures issued under the authority of any by-law of a municipality that the Board has approved; |
| assent of
electors to
by-laws | (f) to direct that before any approval is given by the Board to the exercise of any powers by a municipality or to any by-law passed by it, or before any authorization is given by the Board to the issue by a municipality of debentures to pay any floating indebtedness, the assent of the electors thereof or of those thereof who are qualified to vote on money by-laws first be obtained, notwithstanding such assent is not otherwise requisite; |
| supervising
certain ex-
penditures | (g) to supervise, where considered necessary, the expenditure of any moneys borrowed by a municipality with the approval of the Board; |
| detailed
statement
of affairs | (h) to require and obtain from any municipality at any time and for any definite period statements in detail of any of its affairs, financial and otherwise; |
| power of
investiga-
tion | (i) to inquire at any time into any or all of the affairs, financial and otherwise, of a municipality and hold such hearings and make such investigations in respect thereof as may appear necessary or expedient to be made in the interests of the municipality, its ratepayers, inhabitants and creditors and particularly to make and hold such inquiries, hearings and investigations for the purpose of avoiding any default or recurrence of a default by any municipality in meeting its obligations; |
| settlement
of disputes
between
municipal-
ities | (j) when authorized by an agreement heretofore or hereafter entered into by two or more municipalities in which the municipalities agree to be bound by the decision of the Board, to hear and determine disputes in relation to such agreement; |

(k) where water or sewage service is supplied or to be supplied by one municipality to another municipality, to hear and determine the application of either municipality to confirm, vary or fix rates charged or to be charged in connection with such water or sewage service;

water or
sewage
service

(l) generally, to exercise such jurisdiction and powers as by or under the authority of this Act or *The Municipal Act* or any other general or special Act are conferred upon the Board. R.S.O. 1960, c. 274, s. 53 (1); 1961-62, c. 96, s. 1.

general
R.S.O. 1970,
c. 284

(2) Clauses *c* and *d* of subsection 1 have effect notwithstanding any general or special Act. R.S.O. 1960, c. 274, s. 53 (2).

Conflict

54. A municipality may apply to the Board for its approval of any by-law the passing of which has been authorized by an order of the Board made pursuant to section 64. R.S.O. 1960, c. 274, s. 54.

Voluntary
application
for approval
of by-laws

55. Any person the holder of or otherwise entitled to receive any debenture of a municipality or the proceeds of sale thereof or to whom a debt has been incurred or from whom money has been borrowed under the authority of any by-law of a municipality may apply to the Board for approval of the by-law, and the Board may approve the same. R.S.O. 1960, c. 274, s. 55.

Application
to Board for
approval of
by-law
authorizing
borrowing

56. The Board shall not grant or issue any approval or certificate under this or any other general or special Act in respect of any municipal affair or matter, while the same or the validity thereof is called in question in any pending action or proceeding or by which it is sought to quash any by-law of a municipality relating thereto. R.S.O. 1960, c. 274, s. 56.

Approval to
be withheld
where
litigation
pending

57.—(1) The Board shall not certify the validity of any debenture issued under any by-law of a municipality until thirty days after the final passing of the by-law, unless such notice, if any, as the Board may direct has been published or given of the application for such certification.

Time for
certifying
validity of
debentures

(2) This section does not apply to any debenture authorized under clause *d* of subsection 1 of section 53 or to a consolidating by-law if every by-law consolidated was finally passed at least thirty days before certification. R.S.O. 1960, c. 274, s. 57.

Exception

58.—(1) In any case where either prior or subsequent to the issue and sale of any debentures issued or to be issued by a municipality, application is made to the Board for its approval of any by-law authorizing the issue of such debentures, and of the

Validation
of by-laws
and
debentures

debentures, the Board may approve the by-law and certify the validity of the debentures, notwithstanding any omission, illegality, invalidity or irregularity in the by-law or debentures or in any of the proceedings relating or incidental thereto occurring, had or taken prior or subsequent to the final passing of the by-law or issue of the debentures.

No ap-
proval if
by-law
quashed, etc.

(2) The Board shall not approve any by-law of a municipality or certify the validity of any debentures issued thereunder if the validity thereof is being questioned in any pending litigation or such by-law has been set aside, quashed or declared to be invalid by any court. R.S.O. 1960, c. 274, s. 58.

Debentures
to be
certified

59.—(1) Every debenture the validity of which is certified by the Board shall bear the seal and certificate of the Board establishing that the by-law under the authority of which the debenture is issued has been approved by the Board and that the debenture is issued in conformity therewith. R.S.O. 1960, c. 274, s. 59 (1).

Signature
on
certificate

(2) Notwithstanding subsection 3 of section 12, the certificate may be signed by any member of the Board or by a person specially authorized by the chairman and the signature may be written, printed or otherwise mechanically reproduced. R.S.O. 1960, c. 274, s. 59 (2); 1960-61, c. 68, s. 1.

Form of
certificate

60. The certificate of the Board to the validity of any debenture of a municipality shall be in the following form:

THE ONTARIO MUNICIPAL BOARD

In pursuance of *The Ontario Municipal Board Act*, the Board certifies that By-law No. of the corporation of the of, passed on the day of, 19 . . . , has been approved by the Board, and that the within debenture, issued under the authority of such by-law and in conformity therewith, is valid and binding upon the said corporation and its validity may not be contested or questioned for any cause whatsoever.

Dated this day of, 19

(SEAL)
for the Board.

R.S.O. 1960, c. 274, s. 60.

Validity of
certified
debentures

61. Notwithstanding the provisions of any Act, every by-law of a municipality approved by the Board and every debenture issued thereunder bearing the seal and certificate of the Board is for all purposes valid and binding upon the corporation of the municipality and the ratepayers thereof and upon the property liable for any rate imposed under the by-law, and the validity of the by-law and every such debenture shall not be contested or questioned in any manner. R.S.O. 1960, c. 274, s. 61.

62. The Board, upon any application of a municipality for approval of the exercise by a municipality of any of its powers, or of the incurring of any debt, or of the issue of any debentures, or of any by-law, shall, before approving the same, make such inquiry into the nature of the power sought to be exercised or undertaking that is proposed to be or has been proceeded with, the necessity or expediency of the same, the financial position and obligations of the municipality, the burden of taxation upon the ratepayers and into all other relative matters, as in the opinion of the Board may appear to be necessary or expedient. R.S.O. 1960, c. 274, s. 62.

Scope of
Board
inquiry

63.—(1) Where under any general or special Act it is requisite that the assent of the electors of a municipality or of those qualified to vote on money by-laws first be obtained to the exercise by a municipality of any of its powers or the incurring of any debt, issue of any debentures or passing of any by-law the Board shall not approve the exercise of such power, incurring of debt, issue of debentures or the by-law until such assent has been obtained, unless the Board after due inquiry is satisfied that such assent may under all the circumstances properly be dispensed with, and the Board may, in any such case by its order, declare and direct that the assent of the electors or the qualified electors shall not be requisite to be obtained notwithstanding the provisions of such general or special Act. R.S.O. 1960, c. 274, s. 63 (1).

When
electors'
assent may
be dispensed
with

(2) Except as provided in subsections 3, 4 and 5, the Board before making any order under subsection 1 shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the matter and of hearing any objections that any person may desire to bring to the attention of the Board. 1960-61, c. 68, s. 2, *part*.

Public
hearing

(3) The Board may direct that the notice to be given shall state that anyone objecting to dispensing with the assent of the electors may, within such time from the giving of the notice as may be prescribed by the Board, file with the clerk of the municipality or, in the case of a local board, with the secretary of the local board his objection to dispensing with the assent of the electors. 1960-61, c. 68, s. 2, *part*; 1961-62, c. 96, s. 2.

Notice to
provide for
filing of
objections

(4) Where notice has been given under subsection 3, the Board may, when no notice of objection has been filed within the time specified in the notice, dispense with the assent of the electors without holding a public hearing.

Where no
objections

(5) If one or more objections have been filed within the time specified in the notice, the Board shall hold a public hearing unless, under all the circumstances affecting the matter, the Board considers the objection or, if more than one, all the objections to be insufficient to require a public hearing. 1960-61, c. 68, s. 2, *part, amended*.

Where
objections
filed

Public hearing not required where additional expenditure approved

(6) Notwithstanding subsection 2, where the Board has approved an expenditure for any purpose, it may, without holding a public hearing, dispense with the assent of the electors of a municipality or of those qualified to vote on money by-laws and approve additional expenditures for the same purpose not in excess of 25 per cent of the original expenditure approved.

Conditions in dispensing with vote

(7) The Board in making any order under subsection 1 dispensing with the necessity for obtaining the assent of the electors or qualified electors may impose such terms, conditions and restrictions not only in respect of the matter in which such order is made, but as to any further or subsequent exercise of any of the powers of the municipality or incurring of any other debt or issue of any other debentures or passing of any other by-law by such municipality as to the Board may appear requisite or expedient. R.S.O. 1960, c. 274, s. 63 (3, 4).

Where approval of Board required for undertaking, etc.

64.—(1) Notwithstanding the provisions of any general or special Act, a municipality shall not,

- (a) authorize; or
- (b) exercise any of its powers to proceed with; or
- (c) provide any moneys for,

any undertaking, work, project, scheme, act, matter or thing, the cost or any portion of the cost of which is to be,

- (d) raised in a subsequent year or years; or
- (e) provided by the issue of debentures,

until the approval of the Board has first been obtained. R.S.O. 1960, c. 274, s. 64 (1).

Approval of Board

(2) The approval of the Board mentioned in subsection 1 means and, notwithstanding the decision of any court, shall be deemed always to have meant the approval of the undertaking, work, project, scheme, act, matter or thing mentioned in subsection 1. 1962-63, c. 97, s. 1 (1).

Application of section

(3) Subsection 1 does not apply,

- (a) to incurring a debt payable within the two-year or three-year term for which the council was elected at a biennial or triennial election or to the exercise of powers to proceed with any of the undertakings, works, projects, schemes, acts, matters or things referred to in subsection 2 of section 293 of *The Municipal Act*, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality; or

R.S.O. 1970, c. 284

R.S.O. 1970, c. 136

- (b) to the appointment of an engineer, land surveyor or commissioner under *The Drainage Act*. 1962-63, c. 97, s. 1 (2); 1965, c. 89, s. 1 (1); 1967, c. 68, s. 2 (1), *amended*.

(4) The passing of a by-law by a council to authorize or to exercise any of its powers to proceed with, or to provide any money for, any undertaking, work, project, scheme, act, matter or thing referred to in subsection 1 shall not be deemed to be in contravention of subsection 1 or of section 65 if such by-law contains a provision to the effect that the by-law shall not take effect until the approval of the Board under subsection 1 has been obtained. R.S.O. 1960, c. 274, s. 64 (3); 1965, c. 89, s. 1 (2).

By-law passed not to be in contravention of subs. 1 or s. 65

(5) This section applies to the guarantee by a municipality of the debentures, bonds or other securities of any other municipality or of any other person or corporation whatsoever, or of payment of the whole or any part of the sinking fund, or principal of or interest on any such debentures, bonds or other securities, and no guarantee thereof shall be made or entered into, or by-law in that behalf be passed, by any municipality under the provisions of any general or special Act, or of any agreement entered into pursuant thereto, or by-law passed thereunder, until the approval of the Board has first been obtained. R.S.O. 1960, c. 274, s. 64 (4).

Application of section to municipal guarantees

(6) Notwithstanding section 1, "municipality" in this section and in section 65 includes a public school board, secondary school board and a board of education and includes only such other local boards that may apply to the council in order that moneys necessary for any purpose mentioned in this section be provided by the issue of debentures of the corporation of the municipality. 1968-69, c. 86, s. 2.

Interpretation

(7) In subsection 8, "work" includes any undertaking, work, project, scheme, act, matter or thing proposed to be done or undertaken by a municipality. 1966, c. 105, s. 2, *part*.

Interpretation

(8) An application may be made by a municipality for approval by the Board of expenditures and the borrowing of money and the issuing of debentures and, where necessary, for an order dispensing with a vote of the electors under section 63 for a class or classes of work without specifying any particular work, and the Board may dismiss the application or may approve part of all thereof, provided that the municipality shall not make any commitment for or do any act to commence any work to be financed under an order of the Board made on such application until the municipal treasurer has certified that funds can be provided under such order in payment thereof. 1966, c. 105, s. 2, *part*; 1967, c. 68, s. 2 (2).

Application for approval of class of work

(9) The approval of the Board provided for in subsection 8 shall be deemed to be the approval of the Board required under subsection 1. 1966, c. 105, s. 2, *part*.

Approval

65. No by-law shall be passed by a municipality for any of the purposes mentioned in section 64 until the approval of the Board has first been obtained. R.S.O. 1960, c. 274, s. 65.

Approval of by-laws

Inquiry by
the Board

66. Upon an application being made to the Board for the approval required by section 64, the Board shall proceed to deal with the application in the manner provided by and shall have regard to the matters mentioned in section 62, and may hold such public hearings as to the Board may appear necessary. R.S.O. 1960, c. 274, s. 66.

Board may
impose
conditions
on giving
approval

67. The Board as a condition of giving its approval as required by section 64 may by its order impose such restrictions, limitations and conditions upon the municipality with respect to the matter before the Board or with respect to the current annual or future annual expenditures of the municipality for any purpose or with respect to further issues of debentures by the municipality, and otherwise with respect to the conduct and administration of the affairs of the municipality, as to the Board may appear necessary or expedient. R.S.O. 1960, c. 274, s. 67.

Board not
required to
approve

68. The Board is not required to give its approval on any application made to it under section 64, and shall not give such approval unless satisfied that the same is justified under all circumstances. R.S.O. 1960, c. 274, s. 68.

Municipality may
proceed
upon
approval

69. When the Board has given its approval as required by section 64, the municipality may thereafter proceed in the manner and to the extent provided for by or consequent upon such approval, and for such purposes may exercise all its powers and do all things necessary or incidental thereto, and may pass all requisite by-laws, including debenture by-laws. R.S.O. 1960, c. 274, s. 69.

PART V

RAILWAY AND UTILITIES JURISDICTION

Jurisdiction
of Board:

railway
and utility
matters

70. The Board has jurisdiction and power,

- (a) to inquire into, hear and determine any applications made, proceedings instituted and matters brought before it under the provisions of any general or special Act relating to railways or public utilities or any of them where by such Act any jurisdiction or power is for such purpose conferred on the Board;
- (b) to hear and determine any application with respect to any railway or public utility, its construction, maintenance or operation by reason of the contravening or failure to comply on the part of any person, firm, company, corporation or municipality of or with the requirements of this or any other general or special Act,

complaints
of breach of
railway or
utility
statutes,
orders,
agreements,
etc.

or of any regulation, rule, by-law or order made thereunder, or of any agreement entered into in relation to such railway or public utility, its construction, maintenance or operation;

- (c) to hear and determine any application with respect to any tolls charged by any person, firm, company, corporation or municipality operating a railway or public utility in excess of those approved or prescribed by lawful authority, or which are otherwise unlawful, unfair or unjust. R.S.O. 1960, c. 274, s. 70.
- railway and public utility rates and tolls

71. The fact that a manager or other official or the liquidator or receiver of a railway or public utility is managing or operating or liquidating it under the authority of any court is not a bar to the exercise by the Board of any jurisdiction or power conferred by this or any other general or special Act, and every such manager, official, liquidator or receiver is bound to manage, operate or liquidate such railway or public utility in accordance with this Act and under the orders and directions of the Board, whether general or referring particularly to such railway or public utility, and he and every person acting under him shall obey all orders and directions of the Board with respect to such railway or public utility and be subject to have them enforced against him by the Board, notwithstanding his authority or any order of the court under which he is appointed or acts. R.S.O. 1960, c. 274, s. 71.

Jurisdiction over receivers, liquidators, etc., of railway or public utility

72.—(1) Wherever,

- (a) any power or authority is given to or duty imposed upon the Railway Committee of the Executive Council of Ontario by any Act or document;
- (b) by any Act of the Legislature the location of any line of railway or the route and course thereof, or the maps, plans and specifications, or any part of the equipment are subject to the approval of the Lieutenant Governor in Council or of any of his Ministers,

Powers, etc., transferred to Board

such power or authority may be exercised and such duty shall be performed and such approval may be given by the Board.

(2) Whenever in any Act it is provided that any railway company shall, during construction of any line of railway, furnish such information as to the location and plans of passenger or freight stations as may from time to time be required by the Lieutenant Governor or any of his Ministers, or that such company shall comply with any directions that may be given for the erection of stations, or the number of them, such information shall be furnished to the Board and its directions shall be complied with by the company. R.S.O. 1960, c. 274, s. 72.

Furnishing information

Who is
a "party
interested"

73. The decision of the Board as to whether any person, firm, company, corporation or municipality is or is not a party interested within the meaning of any of the provisions of this Part is binding and conclusive upon such persons, firms, companies, corporations or municipalities. R.S.O. 1960, c. 274, s. 73.

Super-
intending
accounts of
railways
and public
utilities
operated
by municipi-
palities

74.—(1) The Board shall superintend the system of book-keeping and keeping accounts of the assets, liabilities, revenue and expenditure of all railways and public utilities that are operated by or under the control of a municipality or a local board, and may require from it such returns and statements as to the Board may seem proper, and may extract from such returns and statements such information as, in the opinion of the Board, may be useful for publication, and may embody such portions of such returns and statements in the annual report of the Board as to it may seem proper.

Inquiry
and report
as to rates
charged by
public
utilities

(2) The Board may from time to time require and report as to whether such railway or public utility is operated in such a way that the rates charged in respect thereof are sufficient to pay the debenture debt and interest created in respect thereof, and the cost of operation and maintenance, or whether greater rates are charged than are sufficient for such purposes.

Exception

(3) This section does not apply to a public utility for the development or distribution of electrical power or energy obtained directly or indirectly from The Hydro-Electric Power Commission of Ontario. R.S.O. 1960, c. 274, s. 74.

PART VI

PRACTICE AND PROCEDURE

NOTICES AND EVIDENCE

Notice,
requisites

- 75.** Any notice required or authorized to be given in writing,
- (a) by the Board, may be signed by the chairman, a vice-chairman, or the secretary;
 - (b) by the inspecting engineer, or other officer or person appointed by the Board, may be signed by such inspecting engineer, officer or other person, as the case may be;
 - (c) by any company or corporation, may be signed by the president or secretary, or by its duly authorized agent or solicitor; and
 - (d) by any person, may be signed by such person or his duly authorized agent or solicitor. R.S.O. 1960, c. 274, s. 75.

76.—(1) Any notice required to be given to a company, municipality, corporation, co-partnership, firm or individual, shall be deemed to be sufficiently given by delivering the notice, or a copy thereof, within the time, if any, limited therefor,

Notices,
how served

- (a) in the case of a railway company, to the president, vice-president, managing director, secretary or superintendent of the company, or to some adult person in the employ of the company at the head or any principal office of the company; railway
company
- (b) in the case of a municipality, to the head of the municipality, or to the clerk; muni-
cipality
- (c) in the case of any other company or corporation, to the president, vice-president, manager or secretary, or to some adult person in its employ at its head office; other
companies
- (d) in the case of a firm or co-partnership, to any member thereof, or, at the last known place of abode of any such member, to any adult member of his household, or at the office or place of business of the firm to a clerk employed therein; and co-partner-
ship or
firm
- (e) in the case of an individual, to him, or, at his last known place of abode, to any adult member of his household, or at his office or place of business, to a clerk in his employ. individuals

(2) If, in any case within the jurisdiction of the Board, it is made to appear to the satisfaction of the Board that service of any such notice cannot conveniently be made in the manner provided in subsection 1, the Board may order and allow such service to be made in such manner as the Board directs, and such publication in each case shall be deemed to be equivalent to service in the manner provided in subsection 1.

Service by
publication

(3) Any regulation, order, direction, decision, report or other document may, unless in any case otherwise provided, be served in like manner as notice may be given under this section. R.S.O. 1960, c. 274, s. 76.

Service
of other
documents

77. Every company, municipality or corporation shall, as soon as possible after the receipt by it, or service upon it, of any regulation, order, direction, decision, notice, report or other document of the Board, or of the inspecting engineer, give cognizance thereof to each of its officers and servants performing duties that are or may be affected thereby, by delivering a copy to him or by posting up a copy thereof in some place where his work or his duties, or some of them, are to be performed. R.S.O. 1960, c. 274, s. 77.

Duty of
company on
receipt of
notice or
order

78. Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the Board in the exercise of the

Duty of
sheriffs, etc.

jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificate of the secretary, be paid by the county interested the like fees as for similar services at the sitting of the Supreme Court for the trial of actions, and such fees shall be charged as expenses of the administration of justice. R.S.O. 1960, c. 274, s. 78.

Effect of documents issued by company

79. Every written or printed document purporting to have been issued or authorized by a company or any officer, agent or employee of a company, or any other person or company for or on its behalf, shall, as against the company, be received as *prima facie* evidence of the issue of the document by the company, and of the contents thereof, without any further proof than the mere production of the document. R.S.O. 1960, c. 274, s. 79.

Evidence of documents

80.—(1) Every document purporting to be signed by a member of the Board or the secretary or a signing officer of the Board, or by an inspecting engineer, is, without proof of the signature, *prima facie* evidence that the document was duly signed, and is sufficient notice to the company and all parties interested, if served in the manner provided by section 76 for service of notice, that the document was duly signed and issued by the Board, or inspecting engineer, as the case may be.

Evidence of regulations, etc.

(2) If the document purports to be a copy of any regulation, order, direction, decision or report, made or given by the Board, or inspecting engineer, it is *prima facie* evidence of the regulation, order, direction, decision or report, and, when served in the manner provided by section 76, is sufficient notice of the regulation, order, direction, decision or report from the time of such service. R.S.O. 1960, c. 274, s. 80.

Certified plan, etc., *prima facie* evidence

81.—(1) Any document purporting to be certified by the secretary as being a copy of any plan, profile, book of reference or other document deposited with the Board, or of any portion thereof, is, without proof of signature of the secretary, *prima facie* evidence of the original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which the same purports to be signed, certified, attested or executed, as shown or appearing from the certified copy, and also, if the certificate states the time when the original was so deposited, that the same was deposited at the time so stated.

Certified copies of documents of Board

(2) A copy of any regulation, order or other document in the custody of the secretary, or of record with the Board, purporting to be certified by the secretary to be a true copy and purporting to be sealed with the seal of the Board, is *prima facie* evidence of the regulation, order or document, without proof of the signature of the secretary. R.S.O. 1960, c. 274, s. 81.

82. Any rule, regulation, order or decision of the Board, when published by the Board, or by leave of the Board, for three weeks in *The Ontario Gazette*, and while the same remains in force, has the like effect as if enacted in this Act, and all courts shall take judicial notice thereof. R.S.O. 1960, c. 274, s. 82.

Publication
of regula-
tions,
orders, etc.

83. Unless otherwise provided, ten days notice of any application to the Board, or of any hearing by the Board, is sufficient, but the Board may in any case direct longer or permit shorter notice of the application. R.S.O. 1960, c. 274, s. 83.

Notice of
application

84.—(1) When the Board is authorized to hear an application, complaint or dispute, or make any order, upon notice to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the Board to be sufficient, notwithstanding any want of or insufficiency in such notice, make the like order or decision in the matter as if due notice had been given to all parties, and such order or decision is as valid and shall take effect in all respects as if made on due notice.

Procedure
in urgent
cases when
no notice
given

(2) Any person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of the order or decision, or within such further time as the Board may allow, apply to the Board to vary, amend or rescind the order or decision, and the Board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind the order or decision, or dismiss the application, as may seem to it just. R.S.O. 1960, c. 274, s. 84.

When
rehearing in
such cases
may be had

ORDERS OF COURT

85.—(1) A certified copy of any order or decision made by the Board under this Act or any general or special Act may be filed in the office of the Registrar of the Supreme Court, and thereupon becomes and is enforceable as a judgment or order of the Supreme Court to the same effect, but the order or decision may nevertheless be rescinded or varied by the Board.

Enforce-
ment of
orders

(2) It is optional with the Board to adopt the method provided by this section for enforcing its orders or decisions or to enforce them by its own action. R.S.O. 1960, c. 274, s. 85.

Board
may select
method of
enforcing
order

TERMS OF ORDERS

86.—(1) The Board may direct in any order that the order, or any portion or provision thereof, shall come into force at a future fixed time, or upon the happening of any contingency, event or

Contingent
orders

condition specified in the order, or upon the performance, to the satisfaction of the Board or person named by it, of any terms which the Board may impose upon any party interested, and the Board may direct that the whole, or any portion of the order, shall have force for a limited time, or until the happening of any specified event.

Interim
orders

(2) The Board may, instead of making an order final in the first instance, make an interim order and reserve further directions, either for an adjourned hearing of the matter or for further application. R.S.O. 1960, c. 274, s. 86.

May grant
partial or
other relief
than that
applied for

87. Upon any application to the Board, the Board may make an order granting the whole, or part only, of the application, or may grant such further or other relief in addition to, or in substitution for, that applied for as to the Board may appear just and proper as fully in all respects as if the application had been for such partial, other, or further relief. R.S.O. 1960, c. 274, s. 87.

Interim
ex parte
orders

88. The Board may, if the special circumstances of any case, in its opinion, so require, make an interim *ex parte* order authorizing, requiring or forbidding anything to be done that the Board would be empowered on application, notice and hearing to authorize, require or forbid, but no such order shall be made for any longer time than the Board may consider necessary to enable the matter to be heard and determined. R.S.O. 1960, c. 274, s. 88.

Extension
of time
specified in
order

89. When any work, act, matter or thing is, by any regulation, order or decision of the Board, required to be done, performed or completed within a specified time the Board may, if the circumstances of the case in its opinion so require, upon notice and hearing, or in its discretion upon *ex parte* application, extend the time so specified. R.S.O. 1960, c. 274, s. 89.

GENERAL RULES

Power to
make rules

90. The Board may make general rules regulating its practice and procedure. R.S.O. 1960, c. 274, s. 90.

OTHER PROVISIONS

Presump-
tion of juris-
diction to
make order

91. An order of the Board need not show upon its face that any proceeding or notice was had or given, or any circumstance existed, necessary to give it jurisdiction to make the order. R.S.O. 1960, c. 274, s. 91.

Effect of
finding of
fact in
another
court

92.—(1) In determining any question of fact the Board is not concluded by the finding or judgment of any other court in any action, prosecution or proceeding involving the determination of such fact, but such finding or judgment is, in proceedings before the board, *prima facie* evidence only.

(2) Except as otherwise provided in this Act, the pendency of any action, prosecution or proceeding in any other court involving questions of fact does not deprive the Board of jurisdiction to hear and determine the same questions of fact.

Jurisdiction
not affected

(3) The finding or determination of the Board upon any question of fact within its jurisdiction is binding and conclusive. R.S.O. 1960, c. 274, s. 92.

Effect of
finding of
fact

93.—(1) The Board may, at the request of the Lieutenant Governor in Council, or of its own motion, or upon the application of any party, and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal upon any question that, in the opinion of the Board, is a question of law.

Stating
case for
opinion of
Court
of Appeal

(2) The Court of Appeal shall hear and determine the special case and remit it to the Board with the opinion of the court thereon. R.S.O. 1960, c. 274, s. 93.

Action
thereon

94.—(1) Upon the petition of any party or person interested, filed with the Clerk of the Executive Council within twenty-eight days after the date of any order or decision of the Board, the Lieutenant Governor in Council may,

Lieut. Gov.
in Council
may
confirm, vary
or rescind
orders

- (a) confirm, vary or rescind the whole or any part of such order or decision; or
- (b) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause *b* is not subject to petition under this section. 1961-62, c. 96, s. 3 (1); 1965, c. 89, s. 2.

(2) Any party or person who has filed a petition under subsection 1 may at any time withdraw the petition by filing a notice of withdrawal with the Clerk of the Executive Council. 1967, c. 68, s. 3.

Withdrawal
of petition

95.—(1) Subject to the provisions of Part IV, an appeal lies from the Board to the Court of Appeal upon a question of jurisdiction or upon any question of law, but such appeal does not lie unless leave to appeal is obtained from the court within one month after the making of the order or decision sought to be appealed from or within such further time as the court, under the special circumstances of the case, shall allow after notice to the opposite party stating the grounds of appeal.

Appeal on
questions of
jurisdiction

(2) Upon such leave being obtained, the Registrar shall set the appeal down for hearing at the next sittings, and the party appealing shall, within ten days, give to the parties affected by the appeal, or the solicitors by whom such parties were represent-

Notice
of appeal

ed before the Board, and to the secretary, notice in writing that the case has been so set down, and the appeal shall be heard by such court as speedily as practicable.

Opinion
of court

(3) On the hearing of any appeal, the court may draw all such inferences as are not inconsistent with the facts expressly found by the Board and are necessary for determining the question of jurisdiction or law, as the case may be, and shall certify its opinion to the Board and the Board shall make an order in accordance with such opinion.

Board may
be heard by
counsel

(4) The Board is entitled to be heard, by counsel or otherwise, upon the argument of any such appeal.

Rules of
court as to
costs, etc.

(5) The Supreme Court has power to fix the costs and fees to be taxed, allowed and paid upon such appeals, and to make rules of practice respecting appeals under this section, and until such rules are made the rules and practice applicable to appeals from a judge of the Supreme Court to the Court of Appeal shall be applicable to appeals under this Act.

Members of
Board not
liable for
costs

(6) Neither the Board nor any member of the Board is in any case liable to any costs by reason or in respect of any appeal or application under this section.

Decisions of
Board to be
final

(7) Save as provided in this section and in sections 42 and 94,

(a) every decision or order of the Board is final; and

(b) no order, decision or proceeding of the Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari* or any other process or proceeding in any court. R.S.O. 1960, c. 274, s. 95.

Costs

96.—(1) The costs of and incidental to any proceeding before the Board, except as herein otherwise provided, shall be in the discretion of the Board, and may be fixed in any case at a sum certain or may be taxed.

Taxation

(2) The Board may order by whom and to whom any costs are to be paid, and by whom the same are to be taxed and allowed.

Scale

(3) The Board may prescribe a scale under which such costs shall be taxed. R.S.O. 1960, c. 274, s. 96.

Witness
fees

97. Every person summoned to attend before the Board or before any inspecting engineer, or person appointed to make inquiry and report, shall, in the discretion of the Board, receive the like fees and allowances for so doing as if summoned to attend before the Supreme Court. R.S.O. 1960, c. 274, s. 97.

98.—(1) The Board may charge and collect such fees as to it may seem proper for all copies of documents, maps or plans, and all certificates as to the same. Fees for copies, certificates, etc.

(2) All fees charged and collected by the Board shall be paid over quarterly, accompanied by a detailed statement thereof, to the Treasurer of Ontario. Payment over to Province R.S.O. 1960, c. 274, s. 98.

99. There shall be paid upon every application to the Board or every order thereof such fee as the Board may direct, regard being had to the time occupied by the Board and its officers and the expense occasioned to the Province in the matter, and such fee shall be paid in the first instance by the applicant and is a debt due by the applicant to Her Majesty and a summary order may be made by the Board for payment thereof, and such summary order may be made an order of the Supreme Court. Fees of Board R.S.O. 1960, c. 274, s. 99.

PART VII

MISCELLANEOUS

ANNUAL REPORT OF BOARD

100.—(1) The Board shall, after the close of each calendar year, make an annual report upon the affairs of the Board to the Minister of Municipal Affairs who shall file it with the Provincial Secretary. Annual report

(2) The Provincial Secretary shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Tabling R.S.O. 1960, c. 274, s. 100.

101. If any officer or servant of the Board, or any person having access to or knowledge of any return made to the Board or of any evidence taken by the Board in connection therewith, without the authority of the Board first obtained, publishes or makes known any information, having obtained the same or knowing the same to have been derived from such return or evidence, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 and is also liable to imprisonment for a term of not more than six months. Publishing information without leave R.S.O. 1960, c. 274, s. 101.

102. Nothing in this Act confers upon the Board any jurisdiction as to matters that, under *The Power Commission Act*, are within the exclusive jurisdiction of The Hydro-Electric Power Commission of Ontario. Powers of H.E.P.C. R.S.O. 1970, c. 354 R.S.O. 1960, c. 274, s. 102.

CHAPTER 324

**The Ontario Municipal Employees
Retirement System Act****1. In this Act,**Interpre-
tation

- (a) “approved pension plan” means a pension plan that has been established by a municipality or local board under any general or special Act;
- (b) “benefit” means a pension, refund or other payment that may be payable in accordance with the regulations to or with respect to a member;
- (c) “Board” means the Ontario Municipal Employees Retirement Board;
- (d) “earnings” means the salary or wages paid by an employer to a member and includes the value of any perquisites received from an employer;
- (e) “employee” means any person who is employed by an employer, but does not include any person who contributes to a pension plan under *The Teachers’ Superannuation Act* or *The Public Service Superannuation Act*;
- (f) “employer” means a municipality or local board, or an association of municipalities or local boards or of their officials designated by the Lieutenant Governor in Council as an employer under this Act;
- (g) “Fund” means the Ontario Municipal Employees Retirement Fund;
- (h) “local board” means a local board as defined in *The Department of Municipal Affairs Act*, excluding a hospital board established under any general or special Act that operates a public hospital on behalf of a municipality, and includes an agency of the Crown designated by the Lieutenant Governor in Council and the Board;
- (i) “member” means a person who has become a member of the System;
- (j) “Minister” means the Minister of Municipal Affairs;
- (k) “municipality” includes The Municipality of Metropolitan Toronto;
- (l) “pension” means an amount that is payable at periodic intervals in accordance with the regulations;

R.S.O. 1970,
c. 455, 387R.S.O. 1970,
c. 118

- (m) "prior service" means the service of an employee before the date upon which this Act and the regulations become applicable to the employer;
- (n) "regulations" means the regulations made under this Act;
- (o) "service" means employment by an employer of an employee for which the employee receives earnings;
- (p) "supplementary benefit" means a benefit in addition to the benefit to which a member, his widow, child, beneficiary or estate is entitled by reason of his membership in the System;
- (q) "System" means the Ontario Municipal Employees Retirement System. 1961-62, c. 97, s. 1; 1964, c. 82, s. 1; 1965, c. 90, s. 1; 1966, c. 106, s. 1, *amended*.

System
continued

2. The system known as the Ontario Municipal Employees Retirement System is continued. 1961-62, c. 97, s. 2, *amended*.

Board
continued

3.—(1) The Ontario Municipal Employees Retirement Board is continued as a corporation, and the management and administration of the System are vested in the Board.

Remunera-
tion of
members of
Board

(2) The remuneration of the members of the Board shall be as recommended by the Board and approved by the Minister.

Officers
and staff

(3) The Board shall appoint a secretary-treasurer, an auditor, an actuary and such legally qualified medical practitioners, advisors and employees as are necessary to carry out the responsibilities of the Board, and determine the remuneration and other rewards of employees and other persons engaged by the Board.

Board to
pay over
money

(4) The Board shall pay over to the Treasurer of Ontario from time to time money accumulated to the credit of the Fund and not required for current expenditures for the year.

Board
rules and
regulations

(5) The Board may make such rules and regulations for the management and administration of the System as it considers advisable.

Annual
report

(6) The Board shall, after the close of each fiscal year, make a report upon its affairs during the preceding year to the Minister, and every such report shall contain a financial statement certified by the auditor, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session, or, if not, at the next ensuing session. 1961-62, c. 97, s. 3.

Fund
continued

4.—(1) The Ontario Municipal Employees Retirement Fund is continued for the payment of pension benefits to members, their widows and children, in accordance with the regulations.

(2) The Fund shall include the cash, investments and other assets and the liabilities and the reserves of the Board. What Fund to include

(3) The contributions of the employers and of the members, the income from investments and any other credits of the Board shall be deposited in the Fund. Deposits in Fund

(4) The benefits and the expenses of the Board shall be paid out of the Fund. 1961-62, c. 97, s. 4. Payments out of Fund

5. The auditor appointed by the Board shall audit the transactions of the Board and shall make a report to the Board on the annual financial statement of the Fund and shall state in his report whether in his opinion the annual financial statement presents fairly the financial position of the Fund and the results of its operation for the year. 1961-62, c. 97, s. 5. Auditor

6.—(1) The actuary appointed by the Board shall make an actuarial study and valuation of the assets and liabilities of the Fund as required by the Board, but not less frequently than at three-year intervals, and shall report thereon to the Board and shall make such recommendations to the Board as he considers advisable for the proper management and administration of the System. Actuarial valuation

(2) The report to the Board shall include a statement of the actuarial assumptions used by the actuary in the preparation of the valuation mentioned in subsection 1. 1961-62, c. 97, s. 6. Idem

7.—(1) In each year to and including the year 1969, the Treasurer of Ontario shall issue Province of Ontario debentures to become due and payable on the 31st day of December, 1973 for the amount of money accumulated to the credit of the Fund from time to time and not required for current expenditures, and, Issue of Ontario debentures

(a) such debentures issued during the period commencing on the 18th day of April, 1962, and ending on the 31st day of December, 1967, shall bear interest at the rate of 5 per cent per annum payable half-yearly; and

(b) such debentures issued during the period commencing on the first day of January, 1968, and ending on the 31st day of December, 1969, shall bear interest at the rate of 6½ per cent per annum payable half-yearly. 1968, c. 88, s. 1, *part*; 1970, c. 131, s. 1 (1, 2).

(2) On the 31st day of December, 1973, the Treasurer of Ontario shall issue Province of Ontario debentures to become due and payable on the 31st day of December, 2013, for the amount of the debentures issued under subsection 1, and, 1973 issue of 40-year debentures authorized

(a) such debentures issued for the amount of the debentures issued under subsection 1 which bore interest at the rate

stipulated in clause *a* of subsection 1 shall bear interest at the rate of 5 per cent per annum payable half-yearly; and

- (b) such debentures issued for the amount of the debentures issued under subsection 1 which bore interest at the rate stipulated in clause *b* of subsection 1 shall bear interest at the rate of $6\frac{1}{2}$ per cent per annum payable half-yearly. 1968, c. 88, s. 1, *part*.

Debenture
authorized

(3) Commencing with the year 1970, the Treasurer of Ontario shall issue to the Board at the end of each year a Province of Ontario debenture for the amount of money accumulated to the credit of the Fund from time to time and not required for current expenditures, such debenture to bear interest payable half-yearly at a rate of interest not less than the weighted average yield to maturity of the debentures and bonds issued or guaranteed by the Province in such year and such debenture to be for a term of not less than twenty years and not more than thirty years.

Yield and
term of
debenture

(4) For the purposes of subsection 3, the weighted average yield to maturity of the debentures and bonds issued or guaranteed by the Province in a calendar year and the term of the debenture to be issued to the Board shall be as agreed upon between the Treasurer of Ontario and the Board and approved by the Lieutenant Governor in Council. 1970, c. 131, s. 1 (3).

Charge on
Consolidated
Revenue
Fund

(5) The Province of Ontario debentures issued under this section are a charge upon the Consolidated Revenue Fund.

Province of
Ontario
debentures
authorized
to be
delivered

(6) The Treasurer of Ontario shall deliver to the Board the Province of Ontario debentures as authorized in this section,

- (a) upon delivery to him of a cheque drawn on the Fund for the principal amount of the debentures plus any accrued interest thereon;
- (b) upon delivery to him of an equal amount of Province of Ontario debentures that were issued under the authority of this section; or
- (c) upon delivery of a cheque and Province of Ontario debentures that were issued under the authority of this section, the sum of which is equal to the amount of the Province of Ontario debentures to be delivered. 1961-62, c. 97, s. 7, (5, 6).

Contribu-
tions by
employer

8.—(1) Notwithstanding any general or special Act, an employer shall not make a contribution for the provision of a pension to an employee unless the contribution is made,

- (a) under this Act or the *Canada Pension Plan*; or

- (b) under an approved pension plan in respect of an employee who became employed by the employer before the 1st day of July, 1965, provided that such plan was in effect on such day and the contribution is in respect of service of the employee before he becomes entitled to be a member under the regulations.

(2) If an employer is required to make contributions to an approved pension plan under the terms of a bargaining agreement with respect to any employees and to persons who may become employees, the date the agreement is terminated or the 1st day of July, 1968, whichever is earlier, shall be substituted for the 1st day of July, 1965, in subsection 1 as it applies to such employees or persons. 1966, c. 106, s. 2.

Where
bargaining
agreement

9. The contributions of the members shall be as prescribed in the regulations. 1961-62, c. 97, s. 9.

Contribu-
tions of
members

10. The contributions of the employers who participate in the System shall be such an amount as is required, in addition to the contributions of the members and the interest earned by the Fund, to provide for the payment of the benefits and the expenses under the regulations. 1961-62, c. 97, s. 10.

Contribu-
tions of
employers

11. The interest of a person in the Fund and in any benefit under this Act is not subject to garnishment, attachment, seizure or other process of law, and is not assignable. 1961-62, c. 97, s. 11.

No attach-
ments, etc.

12. Any sum the payment of which has not been made by an employer as required in the regulations is a debt recoverable from the employer by the Board in a court of competent jurisdiction. 1961-62, c. 97, s. 12.

Sum payable
by employer
recoverable

13. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing the composition of the Board and the appointment of the members of the Board;
- (b) governing the operation and administration of the Board including the powers and duties of the officers and employees of the Board;
- (c) governing the administration of the Fund including the receipt, deposit and payment of all moneys of the Fund, the temporary investment of any moneys of the Fund, the receipt, safekeeping and delivery of securities of the Fund, the borrowing of such sums as are necessary and the procedures for the determination of benefits;

- (d) requiring participating employers to pay to the Fund the contributions of employers and members and to pay interest at a prescribed rate on amounts of contributions that are overdue and unpaid, and to furnish information to the Board;
- (e) authorizing the Board to accept securities or any class thereof from participating employers as a payment on account of contributions in respect of prior service, and to determine the price of the securities;
- (f) providing for the participation of employers and for the membership of employees in the System, and the terms and conditions upon which such participation and membership are permitted;
- (g) prescribing the rates of contributions of the members and the principles for the determination of the rates of contributions of the employers;
- (h) providing for and defining,
 - (i) a normal retirement pension,
 - (ii) a disability retirement pension,
 - (iii) a pension to the widow or children,
 - (iv) a deferred pension,
 - (v) an early retirement pension,
 - (vi) a refund of the member's contributions, plus interest thereon,and prescribing the terms and conditions upon which such benefits shall be paid;
- (i) providing for supplementary benefits and prescribing the terms and conditions upon which such supplementary benefits may be provided;
- (j) providing for the transfer from or to the Fund of a pension entitlement;
- (k) prescribing the terms and conditions upon which pensions in respect of prior service may be provided;
- (l) prescribing the duties of employers and of members with respect to the System;
- (m) prescribing the duties and liabilities of members and their employers with respect to contributions and rights of employees and employers under approved pension plans;
- (n) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1961-62, c. 97, s. 14; 1966, c. 106, s. 3.

14.—(1) An employer may by by-law or resolution participate in the System and pay to the Fund the total of the employer and employee contributions, and has all of the powers necessary and incidental thereto. 1961-62, c. 97, s. 15 (1). Power of employer to participate in System

(2) No by-law or resolution passed under subsection 1 shall be amended or repealed without the approval of the Department of Municipal Affairs. 1961-62, c. 97, s. 15 (2); 1966, c. 106, s. 4. Amendment or repeal

15. The Board may, with the approval of the Lieutenant Governor in Council, enter into an agreement to manage and administer any pension plan or fund to which the other provisions of this Act do not apply and to recover the cost of such management and administration from such plan or fund, and any amount of money accumulated from time to time in the administration of such plan or fund under such an agreement that is not required for the current expenditures of such plan or fund may be deposited in the Fund, and such plan or fund shall be credited with the interest received by the Board from the investment of the moneys so deposited. 1964, c. 82, s. 2; 1965, c. 90, s. 2. Agreements to manage other funds

CHAPTER 325

The Ontario Municipal Improvement Corporation Act

1. In this Act,

Interpre-
tation

- (a) “municipality” means a county, city, town, village, township or improvement district, and “municipal” has a corresponding meaning;
- (b) “Treasurer” means the Treasurer of Ontario and Minister of Economics. 1970, c. 75, s. 1.

2.—(1) The Ontario Municipal Improvement Corporation, hereinafter called the Corporation, constituted on behalf of Her Majesty in right of Ontario as a body corporate and politic, without share capital, is continued. 1970, c. 75, s. 2 (1).

Corporation
continued

(2) The Corporation shall be composed of not fewer than three and not more than five members appointed by the Lieutenant Governor in Council. R.S.O. 1960, c. 275, s. 2 (2); 1970, c. 75, s. 2 (2).

Membership

(3) *The Corporations Act* does not apply to the Corporation.

Application
of R.S.O.
1970, c. 89

(4) The members for the time being of the Corporation shall form and be its board of directors and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board.

Board of
Directors

(5) Subject to the regulations, the affairs of the Corporation are under the management and control of the board of directors and in the absence of the chairman, or if at any time that office is vacant, the vice-chairman has all the powers and shall perform the duties of the chairman. R.S.O. 1960, c. 275, s. 2 (3-5).

Manage-
ment

(6) In the administration of the affairs of the Corporation, the board of directors shall be assisted by such officers and other employees in the public service of Ontario as the Treasurer may assign for the purpose. R.S.O. 1960, c. 275, s. 2 (6); 1970, c. 75, s. 6, cl. a.

Administra-
tion

(7) The Corporation may pay such of its members as are not officers in the public service of Ontario such remuneration and expense allowance as are from time to time fixed by the Lieutenant Governor in Council.

Remunera-
tion

Quorum (8) A majority of the directors for the time being constitutes a quorum at meetings of the board of directors. R.S.O. 1960, c. 275, s. 2 (7-8).

Objects **3.**—(1) The objects of the Corporation are,

- (a) to purchase from any municipality in Ontario having a population less than 20,000 debentures issued by it for any municipal purpose; and
- (b) to purchase from any municipality in Ontario having a population of 20,000 or more debentures issued by it for any of the following municipal works and undertakings:
 - 1. Water works and water supply distribution systems.
 - 2. Sewage works, treatment works, sewer systems or sewers, as defined in section 362 of *The Municipal Act*.
 - 3. Plants and works for the incineration of garbage, refuse and waste.
 - 4. Drainage works under *The Drainage Act*.

R.S.O. 1970, c. 284

R.S.O. 1970, c. 136

Determination of population (2) The Corporation shall determine the population of a municipality for the purpose of subsection 1 as of the business day next preceding the day on which the Lieutenant Governor in Council approves the purchase of debentures pursuant to subsection 1 of section 9, and such determination is final. 1970, c. 75, s. 3.

Borrowing powers **4.**—(1) Subject to the approval of the Lieutenant Governor in Council and to section 14, the Corporation may from time to time borrow or raise by way of loan such sums of money as the Corporation considers requisite for any of the purposes of the Corporation in any one or more, or partly in one and partly in another, of the following ways:

- (a) by the issue and sale of debentures, bills or notes of the Corporation in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable as to principal and interest at such time or times, in such currency or currencies and at such place or places as the Corporation may determine; and
- (b) by temporary loans or loans from any chartered bank or banks or from any person either by way of bank overdraft or loan or in any other manner whatsoever as the Corporation may determine. R.S.O. 1960, c. 275, s. 3 (1).

Purposes of Corporation (2) The purposes of the Corporation, without limiting the generality thereof, include,

- (a) the carrying out of the objects of the Corporation mentioned in section 3;
- (b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money raised by way of loan or of any securities issued by the Corporation;
- (c) the repayment in whole or in part of any advances made by Ontario to the Corporation or of any securities of the Corporation issued and delivered to the Treasurer in respect of any advances; and
- (d) the payment of the whole or any part of any obligation, liability or indebtedness of the Corporation. R.S.O. 1960, c. 275, s. 3 (2); 1970, c. 75, ss. 4, 6, cl. b.

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may sell any debentures, bills or notes of the Corporation either at, or at less or more than, the par value thereof and may charge, pledge or otherwise deal with any such debentures, bills or notes as collateral security. Sale, etc., of Corporation's securities

(4) A recital or declaration in any resolution or minute of the Corporation authorizing the issue and sale of debentures, bills or notes of the Corporation to the effect that it is necessary to issue and sell such debentures, bills or notes for the purposes of the Corporation in the amount authorized is conclusive evidence to that effect. Authorization

(5) Debentures, bills or notes of the Corporation shall be sealed with the seal of the Corporation and may be signed by the chairman or vice-chairman of the Corporation and by the secretary or other officer of the Corporation and any interest coupon that may be attached to any debenture, bill or note of the Corporation may be signed by the secretary or other officer of the Corporation. Sealing, signing, etc.

(6) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture, bill or note and any signature upon any debenture, bill or note and upon any coupon may be engraved, lithographed, printed or otherwise mechanically reproduced, and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed and any such signature is for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office. R.S.O. 1960, c. 275, s. 3 (3-6). Mechanical reproduction of seal and signature authorized

5. Any debenture, bill or note of the Corporation may be made redeemable in advance of maturity at such time or times, at such price or prices and on such terms and conditions as the Corporation may determine at the time of the issue thereof. R.S.O. 1960, c. 275, s. 4. Securities of Corporation redeemable in advance

Lost
debentures

6. Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the board of directors may provide for its replacement on such terms as to evidence and as to indemnity as the board may require. R.S.O. 1960, c. 275, s. 5.

Guarantee
of payment
by Province

7.—(1) The Lieutenant Governor in Council may authorize the Treasurer to guarantee payment by the Province of Ontario of any debentures, bills or notes issued by or of any temporary loan made to the Corporation under the authority of this Act. R.S.O. 1960, c. 275, s. 6 (1); 1970, c. 75, s. 6, cl. c.

Form of
guaranty

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant Governor in Council.

Validity of
guaranty

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon the Province of Ontario and is not open to question upon any ground whatsoever.

Guaranteed
debentures,
etc., to be
indefeasible

(4) Any debenture, bill or note issued by or temporary loan made to the Corporation, payment whereof is guaranteed by the Province under this section, is valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question on any ground whatsoever. R.S.O. 1960, c. 275, s. 6 (2-4).

Trustees,
etc., invest-
ments in
debentures

8. Notwithstanding anything in any other Act, debentures issued by the Corporation are at all times a lawful investment for municipal, school and trust funds. R.S.O. 1960, c. 275, s. 7.

Purchase of
municipal
debentures

9.—(1) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations, may from time to time purchase from any municipality in Ontario debentures issued by the municipality for any of the purposes mentioned in section 3. R.S.O. 1960, c. 275, s. 8 (1); 1970, c. 75, s. 5 (1).

Approval
and valida-
tion
required

(2) The Corporation shall not purchase any municipal debentures under the authority of this Act until,

R.S.O. 1970,
c. 323

- (a) the Ontario Municipal Board has issued its order pursuant to section 64 of *The Ontario Municipal Board Act* authorizing the municipality to proceed with the work or undertaking with respect to which the debentures are required; and
- (b) the municipality has had the debentures validated by the Ontario Municipal Board under sections 58 to 60 of *The Ontario Municipal Board Act*. R.S.O. 1960, c. 275, s. 8 (2).

(3) The effective rate of interest at which the Corporation may purchase debentures shall be determined from time to time by the Lieutenant Governor in Council. 1970, c. 75, s. 5 (2). Interest

10. Notwithstanding *The Public Utilities Act*, every debenture of a municipality purchased by the Corporation under the authority of this Act, with respect to payment of principal and interest thereon, ranks *pari passu* with all other debentures of that municipality and the payment of principal and interest thereon. R.S.O. 1960, c. 275, s. 9. Municipal debentures to rank *pari passu* R.S.O. 1970, c. 390

11. The Corporation has power, with the approval of the Treasurer and subject to the regulations, to sell, hypothecate or otherwise dispose of any debentures purchased by the Corporation under the authority of this Act. R.S.O. 1960, c. 275, s. 10; 1970, c. 75, s. 6, cl. *d*. Sale, etc., of municipal debentures purchased by Corporation

12. The books and accounts of the Corporation shall be audited annually by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council may designate and such auditor shall make an annual report of the audit to the Treasurer and the Treasurer shall table the report in the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1960, c. 275, s. 11; 1970, c. 75, s. 6, cl. *e*. Audit

13.—(1) The Lieutenant Governor in Council may authorize the Treasurer, Sale of Corporation's securities to Province and provincial advances to Corporation authorized

- (a) to purchase any debentures, bills or notes of the Corporation; and
- (b) to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council considers expedient. R.S.O. 1960, c. 275, s. 12 (1); 1970, c. 75, s. 6, cl. *f*.

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund. R.S.O. 1960, c. 275, s. 12 (2). Idem

14.—(1) The Corporation shall not borrow or raise by way of loan any sums of money if, after giving effect to such borrowing or loan, the aggregate principal amount of the outstanding debentures, bills and notes issued by the Corporation, of temporary loans raised by the Corporation and of outstanding advances to the Corporation from the Treasurer, would exceed \$150,000,000. R.S.O. 1960, c. 275, s. 13 (1); 1970, c. 75, s. 6, cl. *g*. Limit of borrowing powers

(2) This section does not apply to moneys borrowed or raised by way of loan for the purposes mentioned in clauses *b* and *c* of subsection 2 of section 4. R.S.O. 1960, c. 275, s. 13 (2). Application of section

Regulations

15. The Lieutenant Governor in Council may make regulations governing,

- (a) the management, control and administration of the affairs of the Corporation;
- (b) the arrangements that the Corporation may make for purchase of debentures of municipalities and the purchase of such debentures;
- (c) the mode in which municipalities may apply to the Corporation for its purchase of their debentures and the forms, records and proofs to be furnished with such applications;
- (d) the conditions to be imposed in regard to the purchase by the Corporation of debentures of municipalities;
- (e) the consideration and granting by the Corporation of applications for its purchase of debentures of municipalities;
- (f) the sale, hypothecation or other disposition by the Corporation of any debentures of municipalities purchased by the Corporation;
- (g) any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 275, s. 14.

Administration of Act

16. The Treasurer shall administer this Act and the regulations made under this Act. R.S.O. 1960, c. 275, s. 15; 1970, c. 75, s. 6, cl. *h*.

CHAPTER 326

The Ontario Northland Transportation Commission Act

1. In this Act, "Commission" means the Ontario Northland Transportation Commission. R.S.O. 1960, c. 276, s. 1. Interpretation

2.—(1) The body corporate heretofore established under *The Temiskaming and Northern Ontario Railway Act* is continued and shall be known as the Ontario Northland Transportation Commission and shall be composed of one or more persons appointed by the Lieutenant Governor in Council. Commission, how composed
1902, c. 9

(2) A majority of the members of the Commission forms a quorum. R.S.O. 1960, c. 276, s. 2. Quorum

(3) The Lieutenant Governor in Council may authorize a seal for the Commission. Seal

(4) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed. 1964, c. 83, s. 1. Mechanical reproduction of seal

3. Each of the commissioners shall hold office during the pleasure of the Lieutenant Governor in Council, and the Lieutenant Governor in Council upon the death, resignation or removal from office of any commissioner may appoint another person to fill the vacancy thereby created. R.S.O. 1960, c. 276, s. 3. Tenure of office

4. Where the Commission is composed of more than one person, the Lieutenant Governor in Council may from time to time designate one of the commissioners to be chairman of the Commission and one of the commissioners to be vice-chairman of the Commission. R.S.O. 1960, c. 276, s. 4. Chairman, vice-chairman

5. The chairman and each of the commissioners shall receive his actual travelling expenses and other disbursements properly incurred in discharging his duties, and such salary or remuneration as the Lieutenant Governor in Council may direct. R.S.O. 1960, c. 276, s. 5. Travelling expenses and honorarium

6.—(1) The Lieutenant Governor in Council may appoint an industrial commissioner who shall be paid such salary or other remuneration by the Commission as may be determined by the Industrial commissioner, appointment

Lieutenant Governor in Council, whose duty it is to assist in the promotion of industrial activity in that part of Ontario served by the Ontario Northland Railway.

Industrial
commis-
sioner may
be member
of Assembly
R.S.O. 1970,
c. 240

(2) Notwithstanding anything in *The Legislative Assembly Act*, the appointment of the industrial commissioner, if a member of the Assembly, is not avoided by reason of the payment to him or the acceptance by him of any salary or other remuneration under this Act, nor does he thereby vacate or forfeit his seat or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly. R.S.O. 1960, c. 276, s. 6.

Railways,
etc., vested
in Commis-
sion

7.—(1) The railways and branch lines heretofore constructed by the Commission and all other works constructed and used in connection therewith, and any other railways, branches and other works constructed by the Commission under the authority of this Act, are vested in the Commission for the purposes herein set forth.

Powers of
Commission

(2) Subject to the approval and direction of the Lieutenant Governor in Council, the Commission may,

- (a) construct, equip, maintain and operate a line or lines of railway from the present northern terminal of the railway to some point on James Bay or the vicinity thereof;
- (b) construct, complete, equip, maintain and operate such spurs and branches from any of the lines of railway of the Commission as may be considered necessary, not exceeding twenty miles in length in any one place, and may exercise the like powers with respect to such spurs and branches as it has exercised and may exercise with respect to any such lines;
- (c) construct, complete, equip, maintain and operate telephone and telegraph lines and with respect thereto has and shall exercise all the powers that may be exercised by a railway company under *The Railways Act* or by any general Act of the Legislature affecting railways for the time being in force, or by a telephone or telegraph company incorporated under the general laws of Ontario;
- (d) purchase or otherwise acquire motor vehicles and trailers as defined by *The Highway Traffic Act*, aircraft and lines of buses, coaches, trucks and aircraft, and may operate, maintain, control and manage such vehicles, trailers, aircraft and lines for the purpose of carrying on, upon the highway and elsewhere, the business of a public carrier of passengers and freight;

R.S.O. 1950,
c. 331

R.S.O. 1970,
c. 202

- (e) purchase or otherwise acquire, construct, complete, equip, maintain and operate hotels, tourist resorts, restaurants, boats and vessels and lines of boats and vessels;
 - (f) purchase or otherwise acquire, construct, complete, equip, maintain or operate such undertakings and provide such services in that part of Ontario that is served by the Commission, as the Commission may consider to be for the benefit of travellers therein or residents thereof;
 - (g) make financial contributions to or for undertakings or services that are maintained or provided in that part of Ontario which is served by the Commission for the benefit of travellers therein or residents thereof.
- R.S.O. 1960, c. 276, s. 7.

8. Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations for establishing and administering, through a board or otherwise, a pension fund for the payment of superannuation or disability allowances to the employees or members of the Commission or any class thereof. R.S.O. 1960, c. 276, s. 8.

Pension
plan
authorized

9. The provisions of *The Public Commercial Vehicles Act* and sections 2 to 12 and 20 to 22 of *The Public Vehhicles Act* and paragraph 1 of section 377 of *The Municipal Act* do not apply to or are not binding upon the Commission. R.S.O. 1960, c. 276, s. 9.

Exemption
from
licences
R.S.O. 1970,
cc. 375,
392, 284

10. Subject to the approval of the Lieutenant Governor in Council, the Commission may purchase or otherwise acquire or promote and cause to be incorporated and organized a company or companies under any public or private Act of any province or of Canada for the exercise of all or any of the powers conferred upon the Commission, or for the better operation, management or control of its undertaking or any part thereof, and every such company possesses and enjoys all the powers, rights, remedies and immunities conferred by law or by this Act upon the Commission. R.S.O. 1960, c. 276, s. 10.

Powers of
Commission
as to sub-
sidiary
companies

11. Subject to the approval of the Lieutenant Governor in Council, the Commission may enter into an agreement with the Nipissing Central Railway Company to acquire, lease or otherwise deal with the railway and the undertakings of the Company in whole or in part, and upon such acquisition, lease or other dealing, may operate such railway and its undertakings in the same manner and, subject to the agreement, to the same extent as if such railway and undertakings formed part of the Ontario Northland Railway. R.S.O. 1960, c. 276, s. 11.

Agreement
with
Nipissing
Central
Railway
Company

Approval of
Lieutenant
Governor
in Council

12. The location of the lines of railway and other works of the Commission and of the branches, and the plans of all works proposed, and the by-laws of the Commission are subject to the approval of the Lieutenant Governor in Council. R.S.O. 1960, c. 276, s. 12.

Tolls and
fares

13.—(1) The Commission may make regulations fixing the fares and tolls to be charged for all traffic carried and with respect to any telephone or telegraph lines operated by the Commission as herein authorized.

Cancellation
or amend-
ment by
Government

(2) The regulations so made are at all times subject to cancellation or amendment at the direction of the Lieutenant Governor in Council.

Regulations
to be
deemed
administra-
tive

(3) The regulations so made shall be deemed to be of an administrative and not of a legislative nature. R.S.O. 1960, c. 276, s. 13.

Agreement
with
railway
companies

14.—(1) Subject to the approval and direction of the Lieutenant Governor in Council, the Commission may enter into an agreement with any railway company to provide and secure such reciprocal running powers, traffic arrangements and other rights over and in respect of the railway of such company and the railway constructed or to be constructed by the Commission as will afford to such company and to the Commission reasonable and proper facilities for mutually exercising such running powers, fair and reasonable traffic arrangements and equitable mileage rates between the Commission and such company. R.S.O. 1960, c. 276, s. 14 (1).

Agreements
to lease
railway
lines

(2) Subject to the approval and direction of the Lieutenant Governor in Council, the Commission may agree to lease and may lease to any person any of the lines of the railway and any lands, structures and equipment acquired or used in connection therewith, but no lease by the Commission of any spur, branch or portion of the line exceeding twenty miles in any one place has effect until approved by resolution of the Assembly. 1966, c. 107, s. 1.

Motive
power

15. The Commission may operate the railway or any section thereof by electricity or by any other motive power. R.S.O. 1960, c. 276, s. 15.

Power
houses,
elevators,
docks,
vessels, etc.

16. The Commission may purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops, garages, hangars, air harbours and landing grounds, offices and any other works necessary for the exercise of the powers conferred upon the Commission and may sell and convey any such land as may from time to time be found superfluous for any such purpose. R.S.O. 1960, c. 276, s. 16.

17. The Commission may erect and maintain all necessary and convenient buildings, garages, hangars, air harbours and landing grounds, filling stations, stations, depots, wharves and fixtures, and may from time to time alter, repair or enlarge the same, and may purchase and acquire motors, motor vehicles, trailers, aircraft, engines, carriages, wagons and other machinery and contrivances necessary for the working of the railway and its buses, trucks and aircraft lines and the accommodation and use of the passengers, freight and business of the Commission. R.S.O. 1960, c. 276, s. 17.

Erection, maintenance, alteration and repair of buildings, etc.

18. The Commission may sell or otherwise dispose of any motor vehicles, aircraft, equipment, boats, vessels, works or other property as may from time to time be found superfluous or unfit for the purposes of the Commission. R.S.O. 1960, c. 276, s. 18.

Power to sell or dispose of motor vehicles, etc.

19. The Commission may, subject to the approval of the Lieutenant Governor in Council, construct, maintain and operate works for the production of electricity or other motive power for the railway, and for lighting and heating the rolling stock and other property of the railway, and may from time to time sell or lease any such electricity or other motive power not required for the purposes aforesaid to any person or corporation and may acquire and hold any property necessary for such purposes. R.S.O. 1960, c. 276, s. 19.

Works for production of electricity

20. The Commission may acquire the right to convey and transmit electric or other power required for the working of the railway or any other works of the Commission, and lighting or heating the same over, through or under land other than the land of the Commission, and may purchase or otherwise acquire the right to lay conduits under, or erect poles or wires on or over such land as may be determined by the Commission, and along and upon any of the public highways or across any of the waters in Ontario, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires for the lines, or the conduits for such electricity or other power upon and subject to such agreement in respect thereto as shall first be made between the Commission and any private owners of the land affected, or failing such agreement subject to the right of expropriation as provided in section 24. R.S.O. 1960, c. 276, s. 20.

Works for transmission of power

21.—(1) The Lieutenant Governor in Council may by order in council transfer to the Commission any ungranted land in Ontario that in the opinion of the Commission is required for the railway or for convenient and necessary right of way, sidings, yards or stations or for the supply, for the purposes of the railway, of stone, gravel, earth, sand or water, or for any other purpose or

Transfer of ungranted Crown lands to Commission

use in connection with the railway or other works of the Commission.

Registration
of order
making
transfer

(2) Registration of a certified copy of any such order in council in the registry office or offices of land titles, as the case may be, for the registry district in which the land is situate, vests in the Commission as trustee for Ontario, the land described in such order in council. R.S.O. 1960, c. 276, s. 21.

Appoint-
ment of
officers and
employees

22. Subject to any general regulation that may be made by the Lieutenant Governor in Council, the Commission may from time to time appoint such officers and employees as the Commission may consider necessary for the proper conduct of the business of the Commission, and may prescribe their duties and fix their remuneration. R.S.O. 1960, c. 276, s. 22.

Security for
safekeeping
of funds

23. Security shall be given by any person entrusted by the Commission with the custody and control of money by virtue of his employment, in such manner and to such amount as may be prescribed by the Commission. R.S.O. 1960, c. 276, s. 23.

General
powers of
Commission

R.S.O. 1950,
c. 331

24.—(1) The Commission has in respect of the railway and works, in addition to all the powers, rights, remedies and immunities conferred by this Act, all the powers, rights, remedies and immunities conferred upon any railway company by *The Railways Act*, or by general Act of the Legislature affecting railways for the time being in force, but *The Railways Act* or any other such Act does not in other respects apply to the railway or is not binding upon the Commission. R.S.O. 1960, c. 276, s. 24 (1).

Expropria-
tion of ease-
ments, etc.

(2) The Commission may from time to time, at its option, in lieu of expropriating land under any such general railway Act, expropriate such easements, rights of user and rights of support as is indicated in any notice to be given by the Commission in that behalf.

Alternative
method of
expropria-
tion

R.S.O. 1970,
c. 393

R.S.O. 1970,
c. 154

(3) In lieu of proceeding in the manner provided by *The Railways Act* or any other general Act of the Legislature affecting railways, the Commission may at its option acquire and expropriate any such lands, easements, rights of user and rights of support in the same manner *mutatis mutandis* as is provided in the case of land or property taken by the Crown as represented by the Minister of Public Works under *The Public Works Act*, and any claim for compensation for any such lands, easements, rights of user or right of support shall in that case be determined in the manner provided by *The Expropriations Act*.

Carrying
railways
over high-
ways

(4) The railway of the Commission, including any branch lines, spurs or sidings, may be carried along or across existing highways upon leave therefor having been first obtained from the Ontario Municipal Board, and, subject to *The Expropriations Act*, sections 118 to 128 of *The Railways Act* apply to any such

occupation of existing highways, and to the construction and use of any such railways carried along or across the same and to any application for such leave. R.S.O. 1960, c. 276, s. 24 (2-4), *amended*.

(5) Sections 285, 287 and 291 to 295 of *The Railways Act*, in respect of the Commission and its railway and the works thereof, apply thereto and to persons charged with offences or subject to the penalties therein mentioned in the same manner and to the same extent, *mutatis mutandis*, as if such sections had been enacted in this Act and formed part thereof.

Application
of R.S.O.
1950, c. 331

(6) The Commission may appoint constables, and for the purposes mentioned in *The Railways Act* every person appointed by the Commission as a constable, and every conductor of a train of the Commission carrying passengers has in respect of its duties, all the powers and rights conferred upon railway constables and conductors of passenger trains, respectively, by *The Railways Act* or by any other general Act affecting such officials for the time being in force, and the provisions of *The Public Authorities Protection Act* respecting constables, *mutatis mutandis*, apply to any such constable and conductor. R.S.O. 1960, c. 276, s. 24 (5, 6).

Powers of
constables
and
conductors

R.S.O. 1970,
c. 374

25. Where in this Act the approval or consent of the Lieutenant Governor in Council is made a condition precedent to the exercise of any power conferred on the Commission, such power may be exercised by any company which the Commission may purchase or otherwise acquire or cause to be incorporated if the approval or consent of the Lieutenant Governor in Council is obtained. R.S.O. 1960, c. 276, s. 25.

Approval of
Lieutenant
Governor
in Council

26. The railway shall as far as practicable be constructed, equipped and operated with railway supplies and rolling stock made, purchased or procured in Canada, if they can be obtained as cheaply and upon as good terms in Canada as elsewhere, having regard to quality. R.S.O. 1960, c. 276, s. 26.

Supplies
and rolling
stock to be
purchased
in Canada

27. No person shall be employed in the construction of the railway and works in contravention of the *Alien Labour Act* (Canada) or the provisions of any general railway Act of Ontario respecting the employment of alien labour. R.S.O. 1960, c. 276, s. 27.

Employ-
ment of
aliens in
construction
prohibited
R.S.C. 1952,
c. 7

28. The workmen, labourers and servants employed in or about the construction or operation of the railway and works shall be paid such rates of wages as may be concurrently payable to workmen, labourers and servants engaged in similar occupations in the districts in which the railway and works are constructed and operated. R.S.O. 1960, c. 276, s. 28.

Current rate
of wages to
be paid

Transfer of
lands to
Commission
for town
sites, etc.

29.—(1) The Lieutenant Governor in Council may from time to time by order in council transfer to the Commission for town sites, portions of the ungranted land of Ontario along the line of railway adjacent to stations or proposed stations, and the registration of a certified copy of any such order in council in the registry office or office of land titles, as the case may be, for the registry districts in which the land is situate vests in the Commission, as trustee for Ontario, the land described in any such order in council.

Acquiring
other lands
for same
purpose

(2) The Commission may for the same purpose from time to time acquire other land so situate by the same means as it is authorized to acquire land for right of way and station grounds, and has all the rights and powers with reference to the acquisition thereof by expropriation or otherwise as it has with reference to the acquisition of land for right of way, but the land acquired for town sites shall not exceed 1,000 acres for any one site.

Powers of
Commission
as to
disposing
of lands

(3) The Commission may from time to time lay out, sell, lease or otherwise dispose of any part of such land as it may think proper, and may take mortgages or other securities for any unpaid purchase money. R.S.O. 1960, c. 276, s. 29.

Minerals
and mining
rights

30. Subject to any general regulation that may be made by the Lieutenant Governor in Council, the Commission may from time to time sell, lease or otherwise deal with mines, minerals and mining rights upon or under any portion or portions of the right of way, town sites or other lands now vested and hereafter vested in the Commission. R.S.O. 1960, c. 276, s. 30.

Dedication
of highways
not to affect
mining
rights

31. The laying out, whether by plan or otherwise, or the dedication in any manner of any land within any town site as or for public streets or highways shall not be deemed to revest in the Crown, or to vest in the corporation of the municipality in which the town site is situate, any mines, minerals or mining rights theretofore granted by the Crown to the Commission or to any other person on or under any such land so laid out or dedicated, but the Commission or such other grantees of the mines, minerals and mining rights on or under the land so laid out or dedicated have the right from time to time to carry on mining operations on or under such land, or to sell, lease or otherwise deal with the mines, minerals and mining rights on or under such land, subject, however, to the obligation of all parties actually conducting mining operations on or under any such land, whether as owners, lessees or otherwise, to conduct such mining operations in such way as will not interfere with public travel upon such streets and highways. R.S.O. 1960, c. 276, s. 31.

Conditions
precedent to
right to
carry on
mining

32. No such mining operations shall at any time be begun or carried on upon or under any land so laid out or dedicated as public streets or highways until after the person, whether as

owner, lessee or otherwise, proposing to carry on such mining operations, has submitted to the council of the municipality in which the streets or highways are situate proper plans of the proposed mining operations with all necessary specifications and details, nor until the plans have been approved in writing by the engineer of the municipality or an engineer appointed by the corporation of the municipality for that purpose, and may thereafter be carried on in strict conformity to the plans and not otherwise. R.S.O. 1960, c. 276, s. 32.

33.—(1) The Commission, and any or all of the commissioners or any officer of the Commission designated by the Commission for that purpose, may hold the shares of the Nipissing Central Railway Company or of any company purchased or otherwise acquired or caused to be incorporated by the Commission under the authority of this Act, in trust for Ontario, and may exercise all the rights of shareholders in respect of the shares so held by them. Holding shares

(2) The Commission may advance to the Nipissing Central Railway Company such sums as may be required from time to time for the maintenance and operation of the line of railway of the company, or for the purchase, construction, repair and maintenance of the equipment thereof. Commission authorized to advance funds to Nipissing Central for construction

(3) The Commission, with the approval of the Lieutenant Governor in Council, may also advance to the Nipissing Central Railway Company such sums as may from time to time be required for the construction and completion of the line or lines of railway of the company. For equipment

(4) The Commission may guarantee the performance of any or all obligations and undertakings of the Nipissing Central Railway Company or of any company purchased or otherwise acquired or caused to be incorporated by the Commission, and may guarantee the repayment of any advances made to any such company for the purposes of its obligations and undertakings or any of them, but no such guarantee shall be made either for the performance of obligations for construction or the repayment of moneys in respect of obligations for construction until such guarantee has been authorized by the Lieutenant Governor in Council. Guaranteeing contracts

(5) The Commission, with the approval of the Lieutenant Governor in Council, may advance to any company purchased or otherwise acquired or caused to be incorporated by the Commission, such sums as may be required for the obligations and undertakings of the company. R.S.O. 1960, c. 276, s. 33. Commission authorized to advance funds to subsidiaries

34.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may borrow money from time to time for carrying out its purposes, and may issue bonds, debentures, Commission authorized to issue bonds, etc.

notes, or other securities to provide for the repayment of any moneys so borrowed and such securities may be charged upon and secured by the property, assets, rights, rents and revenues of the Commission present or future therein described and may be payable at such times and in such manner and at such place or places in Canada or elsewhere and may bear such interest as the Commission may consider proper.

Additional
financing
powers

(2) Money borrowed from time to time for carrying out the purposes of the Commission may, without restricting the generality of the power, be used to refund or repay any existing indebtedness or to make repayment on account of advances by the Province of Ontario to the Commission or to pay any indebtedness that has been guaranteed or assumed by the Commission.

Guarantee-
ing bonds

(3) The Lieutenant Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to guarantee the payment of any securities issued by the Commission for the purposes aforesaid.

Form of
guaranty

(4) The form of guaranty and the manner of its execution shall be determined by the Lieutenant Governor in Council.

Interpre-
tation

(5) For the purposes of this section, "railway" means the railway that the Commission or the Nipissing Central Railway Company is authorized to construct or operate and includes all branches, extensions, sidings, stations, depots, wharves, rolling stock, equipment, stores, property, real or personal, and works connected therewith and also any railway bridge, tunnel, or other structure that the Commission or the Nipissing Central Railway Company is authorized to construct. R.S.O. 1960, c. 276, s. 34.

Advances
out of
Con-
solidated
Revenue
Fund

35. The Lieutenant Governor in Council may from time to time authorize the Treasurer of Ontario to advance to the Commission out of the Consolidated Revenue Fund, such sums as may be considered necessary for the construction, maintenance and operation of the railway and for the purchase, maintenance and operation of motor vehicles, trailers, aircraft, lines of buses, coaches, trucks and aircraft and equipment therefor or other works of the Commission, and all moneys so advanced shall be duly accounted for by the Commission. R.S.O. 1960, c. 276, s. 35.

Special
account in
books of
Treasury

36. An account to be called the Ontario Northland Transportation Commission Account shall be kept by the Department of Treasury and Economics of all payments out of the Consolidated Revenue Fund and of moneys received from the Commission in repayment of any indebtedness incurred by the Commission. R.S.O. 1960, c. 276, s. 36, *amended*.

37.—(1) The revenues and receipts of the Commission shall be applied to the payment of all costs, liabilities, obligations and expenditures properly incurred or made, and all surpluses shall be paid into the Consolidated Revenue Fund at such times and in such amounts as the Lieutenant Governor in Council may direct. Application
of revenue

(2) The Commission may provide a sinking fund for the purpose of the redemption of any securities issued by the Commission. Sinking
fund

(3) The amount of surplus to the credit of any sinking fund provided by the Commission shall be invested in securities of the Province of Ontario at such times and in such manner as the Lieutenant Governor in Council may direct. R.S.O. 1960, c. 276, s. 37. Investment
of surplus
moneys

38. The Commission shall cause books to be provided and kept and true and regular accounts to be entered therein of all sums of money received and paid, and of the several purposes for which the same were received and paid, which books shall at all times be open to the inspection of any member of the Commission and of the Treasurer of Ontario, and of any person appointed by the Commission or Treasurer for that purpose and of any other person appointed by the Lieutenant Governor, and any member of the Commission, and any of such persons may take copies of or extracts from such books. R.S.O. 1960, c. 276, s. 38. Accounts to
be kept by
Commission

39. The Provincial Auditor shall be the auditor of the Commission and he shall audit the books, records and accounts of the Commission and prepare an annual auditor's statement covering the fiscal year last past. R.S.O. 1960, c. 276, s. 39. Auditor

40. The fiscal periods of the Commission end on the 31st day of December in each year. R.S.O. 1960, c. 276, s. 40. Fiscal year

41.—(1) The Commission shall, after the close of each fiscal year of the Commission, file with the member of the Executive Council who is responsible for the administration of this Act an annual report which shall include the report of its auditor and which shall set forth the operations of the Commission for the fiscal year then last past and such particulars as may appear to the Commission to be of public interest or as may be required by the Lieutenant Governor in Council. Annual
report

(2) The member of the Executive Council who is responsible for the administration of this Act shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1960-61, c. 69, s. 1. Tabling

Commission
and officers
not to
contract
with
commis-
sioners

42. No member of the Commission nor any officer or employee thereof shall make or enter into any contract with the Commission, or be pecuniarily interested directly or indirectly in any contract or work in regard to which any portion of the money under the control of the Commission is being or is to be expended. R.S.O. 1960, c. 276, s. 42.

Leave of
Minister of
Justice and
Attorney
General

43. No action shall be brought against the Commission or against any member thereof for anything done or omitted in the exercise of his office without the consent of the Minister of Justice and Attorney General. R.S.O. 1960, c. 276, s. 43, *amended*.

CHAPTER 327

**The Ontario Parks Integration Board
Act**

1.—(1) The Ontario Parks Integration Board, herein called the Board, is continued as a corporation without share capital. R.S.O. 1960, c. 277, s. 1 (1). Board continued

(2) The Board shall be composed of the chairman of The Niagara Parks Commission, the chairman of The St. Lawrence Parks Commission or a vice-chairman of that Commission designated by the Commission, the Treasurer of Ontario and Minister of Economics, the Minister of Lands and Forests, the Minister of Trade and Development and their successors in office from time to time. R.S.O. 1960, c. 227, s. 1 (2), *amended*; 1961-62, c. 98, s. 1 (1). Composition

(3) In addition to the members of the Executive Council specified in subsection 2, the Lieutenant Governor in Council may specify one or more other members of the Executive Council to be members of the Board. 1961-62, c. 98, s. 1 (2). Idem

2. The Lieutenant Governor in Council may designate one of the members of the Board as chairman and one of the members as vice-chairman. R.S.O. 1960, c. 277, s. 2. Chairman

3. The members of the Board are not entitled to receive any remuneration or other compensation for their services. R.S.O. 1960, c. 277, s. 3. No remuneration

4. Notwithstanding *The Legislative Assembly Act*, any member of the Assembly may act as a member of the Board without thereby vacating or forfeiting his seat or incurring any other penalty for sitting or voting as a member of the Assembly. R.S.O. 1960, c. 277, s. 4. Member of Assembly
R.S.O. 1970,
c. 240

5. A majority of the members of the Board constitutes a quorum. R.S.O. 1960, c. 277, s. 5. Quorum

6. The Board may pass such by-laws as in its opinion are appropriate for the carrying out of its objects and the transaction of its affairs. R.S.O. 1960, c. 277, s. 6. By-laws

7. It is the function of the Board and it has power to establish integrated policies of management and development of provincial Function

R.S.O. 1970,
cc. 78, 337,
298, 447

parks, parks under *The Conservation Authorities Act*, parks under *The Parks Assistance Act*, parks under *The Niagara Parks Act* and parks under *The St. Lawrence Parks Commission Act*. R.S.O. 1960, c. 277, s. 7, amended.

Annual
report

8.—(1) The Board shall make a report annually to the Treasurer of Ontario containing such information as he may require.

Idem

(2) A copy of the report shall be filed with the Provincial Secretary who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1960, c. 277, s. 8.

R.S.O. 1970,
c. 89 not
applicable

9. *The Corporations Act*, as amended from time to time, does not apply to the Board. R.S.O. 1960, c. 277, s. 9.

CHAPTER 328

The Ontario Producers, Processors, Distributors and Consumers Food Council Act

1. In this Act,Interpre-
tation

- (a) “agricultural food product” means any article of food or drink designated in the regulations as an agricultural food product;
- (b) “agricultural product” means any natural product of agriculture produced in Ontario, and includes any article of food or drink, manufactured or derived in whole or in part from any natural product of agriculture, that is designated in the regulations as an agricultural product;
- (c) “Food Council” means The Ontario Producers, Processors, Distributors and Consumers Food Council;
- (d) “Minister” means the Minister of Agriculture and Food;
- (e) “regulations” means the regulations made under this Act. 1962-63, c. 94, s. 1, *amended*.

2.—(1) The Ontario Producers, Processors, Distributors and Consumers Food Council is continued and shall consist of not fewer than five members appointed by the Lieutenant Governor in Council. 1962-63, c. 94, s. 2 (1), *amended*.

The Ontario
Producers,
Processors,
Distributors
and
Consumers
Food
Council

(2) The Lieutenant Governor in Council may designate one of the members as chairman and one as vice-chairman of the Food Council. 1962-63, c. 94, s. 2 (2).

Chairman,
vice-
chairman

(3) A quorum of the Food Council shall consist of three members of whom one shall be the chairman or vice-chairman. 1968, c. 89, s. 1.

Quorum

- (4) The Food Council shall be composed of sections, including,
 - (a) a fresh and processed fruit and vegetable products section;
 - (b) a dairy and poultry products section;
 - (c) a meat products section; and
 - (d) a cereal grains products section.

Food
Council
composed
of sections

Officers
and
employees

(5) The Lieutenant Governor in Council may appoint such officers, clerks and employees as are necessary for the conduct of the affairs of the Food Council. 1962-63, c. 94, s. 2 (4, 5).

Expenses

(6) The members of the Food Council shall receive such remuneration and expenses as the Lieutenant Governor in Council determines. 1962-63, c. 94, s. 2 (6); 1968-69, c. 87, s. 1.

Minister
may
designate
persons in
public
service of
Ontario to
assist Food
Council

(7) In the administration of its affairs, the Food Council may be assisted by such persons in the public service of Ontario as the Minister designates for the purpose. 1962-63, c. 94, s. 2 (7).

Food Council
may engage
services of
persons

3. The Food Council may engage the services of such persons as are required to carry out the objects of the Food Council. 1962-63, c. 94, s. 3.

Objects of
Food
Council

4. The objects of the Food Council are,

- (a) to promote methods of ensuring the orderly marketing of agricultural products and agricultural food products;
- (b) to conduct studies of and make reports on crop conditions, import and export markets, domestic markets, tariffs and methods of distribution and sale of agricultural products and agricultural food products;
- (c) to promote research into the development of markets for agricultural products and agricultural food products;
- (d) to stimulate the advertising and promotion of agricultural products and agricultural food products;
- (e) to inquire into and report to the Minister on measures and projects referred to it by the Minister; and
- (f) to advise the Minister on matters relating to the development of markets for agricultural products and agricultural food products. 1962-63, c. 94, s. 4.

Powers of
Food
Council

5. Subject to the approval of the Minister, the Food Council may,

- (a) promote and co-ordinate campaigns to market surpluses of agricultural products and agricultural food products;
- (b) enter into arrangements with any person, partnership or corporation engaged in producing, processing or manufacturing one or more agricultural products or agricultural food products for the purpose of assisting the person, partnership or corporation in carrying out programs for the development of markets for agricultural products and agricultural food products;
- (c) transact any business necessary for or incidental to any matter under clause *a* or *b*. 1962-63, c. 94, s. 5.

6.—(1) The Food Council shall conduct such investigations as the Lieutenant Governor in Council approves into matters relating to the producing, distributing, processing and handling of agricultural products or agricultural food products.

Investigations

(2) For the purposes of carrying out an investigation under subsection 1, the chairman or vice-chairman has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. 1962-63, c. 94, s. 6 (1, 2).

Powers of chairman, vice-chairman in investigation R.S.O. 1970, c. 379

(3) The Food Council may receive complaints and collect data respecting trade practices in the food industry that it considers undesirable and take such steps as are necessary to bring these practices to the notice of the person or persons concerned, and, for the purpose of effecting the discontinuance of such undesirable trade practices, may co-operate with any branch or agency of the Government of Canada or the Government of Ontario. 1962-63, c. 94, s. 6. (3), *amended*.

Undesirable trade practices

7. The Food Council may recommend to the Agricultural Research Institute of Ontario projects of research that assist in the carrying out of the intent and purpose of this Act. 1962-63, c. 94, s. 7.

Food Council may recommend projects to Agricultural Research Institute of Ontario

8.—(1) The Minister, upon the recommendation of the Food Council, may make grants for the purpose of carrying out the objects of the Food Council to any agency, corporation, organization, partnership or person engaged in the marketing or distributing of agricultural products or agricultural food products.

Grants

(2) The grants referred to in subsection 1 are payable out of the moneys appropriated therefor by the Legislature. 1962-63, c. 94, s. 8.

Idem

9.—(1) The Food Council shall make a report annually to the Minister, including a report on its activities and a financial statement certified by the Provincial Auditor and such other matters relating to the work of the Food Council as the Minister requires.

Annual report

(2) A copy of the report shall be filed with the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1962-63, c. 94, s. 9.

Tabling

10. The fiscal year of the Food Council commences on the 1st day of April in each year and ends on the 31st day of March in the following year. 1962-63, c. 94, s. 10.

Fiscal year

Regulations

11. The Lieutenant Governor in Council may make regulations,

- (a) designating any article of food or drink as an agricultural food product;
 - (b) designating any article of food or drink, manufactured or derived in whole or in part from any natural product of agriculture, as an agricultural product;
 - (c) providing for the payment of grants and prescribing the terms and conditions thereof;
 - (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1962-63, c. 94, s. 11.
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CHAPTER 329

**The Ontario School Trustees' Council
Act****1.** In this Act,Interpre-
tation

- (a) "board of trustees" means a board of education, board of secondary school trustees, board of public school trustees or board of separate school trustees;
- (b) "Council" means the Ontario School Trustees' Council;
- (c) "Department" means the Department of Education;
- (d) "Executive" means the Executive of the Council;
- (e) "member" means an appointed representative from one of the member associations of the Council;
- (f) "member association" means an association that appoints representatives to the Council;
- (g) "Minister" means the Minister of Education. R.S.O. 1960, c. 278, s. 1.

2. The Ontario School Trustees' Council, a corporation established under *The Ontario School Trustees' Council Act, 1953*, is continued. R.S.O. 1960, c. 278, s. 2.

Council
continued
1953, c. 77

3.—(1) The Council shall be composed of representatives appointed by the following member associations, or any combination thereof, as provided by the regulations made under this Act:

Composition
of Council

- 1. The Associated High School Boards of the Province of Ontario.
- 2. L'Association des Commissions des Ecoles Bilingues d'Ontario.
- 3. The Ontario School Trustees' and Ratepayers' Association.
- 4. Ontario Separate School Trustees' Association.
- 5. The Public School Trustees' Association of Ontario.
- 6. Ontario Urban and Rural School Trustees' Association.
- 7. Northern Ontario Public and Secondary School Trustees' Association. 1968, c. 90, s. 1 (1); 1968-69, c. 88, s. 1 (1).

Appoint-
ments

(2) The appointments of representatives shall be made by each member association in each year at the first meeting of each association in that year. R.S.O. 1960, c. 278, s. 3 (2).

Term of
office

(3) The members and alternate representatives shall hold office until the effective date of the appointment of their successors. 1968-69, c. 88, s. 1 (2).

Alternate
representa-
tives

(4) Each member association may appoint alternate representatives to the maximum of the number of representatives appointed by it and, when a representative of an association is unable to attend a meeting of the Council or a meeting of a committee of the Council to which he has been appointed, his place may be taken by an alternate representative selected in the order of priority indicated by the association, and such alternate representative has, at the meeting, all the powers and duties of the representative whose place he is taking. 1968-69, c. 88, s. 1 (3).

Idem

(5) No person shall be appointed as an alternate representative unless he is qualified to be a member of the Council and no alternate representative is eligible to be an officer of the Council.

Vacancies

(6) Vacancies arising from death, resignation or otherwise of a representative or alternate representative shall be filled forthwith by the appointing member association, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant. R.S.O. 1960, c. 278, s. 3 (2-6).

Additional
representa-
tives

(7) When a representative from a member association is vice-chairman, chairman or past chairman of the Council in any year, such association may appoint an additional representative to the Council for that year and shall designate the representatives, in accordance with the regulations, who shall have the right to vote at meetings of the Council when all the representatives of the association are present. 1968, c. 90, s. 1 (2).

Objects of
Council**4.** The objects of the Council are,

- (a) to promote and advance the cause of education;
- (b) to provide a medium of communicating to the Department and to The Ontario Teachers' Federation the considered views of the member associations on educational and administrative matters within the jurisdiction of school trustees on all matters of mutual concern to the member associations. R.S.O. 1960, c. 278, s. 4.

Head office

5. The head office of the Council shall be in the City of Toronto. R.S.O. 1960, c. 278, s. 5.

Officers

6. The officers of the Council shall be a chairman and a vice-chairman, who shall be elected annually from among the

members, and a secretary and a treasurer or a secretary-treasurer, who shall be appointed annually by the Council. R.S.O. 1960, c. 278, s. 6.

7. No person shall be appointed as a member unless he is a Qualification member of a board of trustees but the secretary, treasurer or secretary-treasurer need not be a member of the Council or a member of a board of trustees. R.S.O. 1960, c. 278, s. 7.

8. There shall be an Executive consisting of the immediate Executive past chairman, the chairman, the vice-chairman, the secretary and the treasurer or the secretary-treasurer, and such additional members as the Council may from time to time determine 1968-69, c. 88, s.2.

9. The Executive is responsible for carrying on the general Duties of Executive business of the Council and may, subject to the approval of the Minister,

- (a) acquire and hold in the name of the Council such real and personal property as may be necessary for the purposes of the Council and may alienate, mortgage, lease or otherwise dispose of such property as occasion may require;
- (b) invest the funds of the Council in any securities in which a trustee is authorized to invest money under *The Trustee Act*; R.S.O. 1970, c. 470
- (c) make such grants as it considers advisable to organizations having the same or like objects as the Council. R.S.O. 1960, c. 278, s. 9.

10. The Council may from time to time pass such by-laws as By-laws may be considered necessary for carrying out the objects of the Council. 1968-69, c. 88, s. 3.

11. The Council has the authority to consider and deal with Powers of Council all matters of mutual concern to the member associations by and with the unanimous consent of the members. R.S.O. 1960, c. 278, s. 11.

12. The Lieutenant Governor in Council may make regula- Regulations tions respecting the number of representatives to be appointed to the Council by the associations or any combination thereof which comprise the Council. 1968, c. 90, s. 2.

CHAPTER 330

The Ontario Telephone Development Corporation Act**1.** In this Act,Interpre-
tation

- (a) “Authority” means the Ontario Telephone Authority;
- (b) “Board” means the Ontario Municipal Board;
- (c) “Corporation” means The Ontario Telephone Development Corporation. R.S.O. 1960, c. 280, s. 1.

2.—(1) The Ontario Telephone Development Corporation is continued as a corporation without share capital having as its object the improvement of telephone systems in Ontario.

Corporation
continued

(2) The Corporation shall be composed of not fewer than three and not more than five members, as the Lieutenant Governor in Council may from time to time determine, who shall hold office as members during the pleasure of the Lieutenant Governor in Council and who shall be such officers in the public service of Ontario or such members of the Authority as the Lieutenant Governor in Council may from time to time appoint.

Membership

(3) The members for the time being of the Corporation form and are its board of directors and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the board of directors.

Board of
directors

(4) Subject to the regulations, the affairs of the Corporation are under the management and control of the board of directors and in the absence of the chairman, or if at any time that office is vacant, the vice-chairman has all the powers and shall perform the duties of the chairman.

Management

(5) The Corporation may pay to its directors such remuneration and expense allowances as may be from time to time fixed by the Lieutenant Governor in Council.

Remunera-
tion of
directors

(6) The head office of the Corporation shall be at the City of Toronto. R.S.O. 1960, c. 280, s. 2, *amended*.

Head office

3. The Corporation shall be carried on without the purpose of gain for its members and any profits or other accretions to the Corporation shall be used in promoting its objects. R.S.O. 1960, c. 280, s. 3.

Not to be
carried on
for gain

Powers

4.—(1) To carry out its objects, the Corporation has power, subject to the regulations, if any,

- (a) to acquire by purchase, lease or otherwise existing telephone systems or parts thereof;
- (b) to construct, operate and maintain new telephone systems and telephone systems acquired by it, and extensions of its telephone systems;
- (c) to sell its telephone systems or any part or parts thereof;
- (d) to purchase and sell shares of companies operating telephone systems or incorporated for the purpose of operating telephone systems.

Expropriation of telephone systems

(2) Where the Corporation proposes to expropriate a telephone system or any part thereof, it may offer to purchase the system or part at a fixed price and if the owner does not accept the price so offered, within one month from the date of the offer, the Corporation may, with the consent of the Authority, proceed to expropriate the system or part thereof in accordance with *The Expropriations Act*. R.S.O. 1960, c. 280, s. 4 (1, 2), *amended*.

R.S.O. 1970, c. 154

Payments re debentures

5.—(1) Where,

- (a) the Corporation acquires, by purchase or expropriation, a municipal telephone system that is subject to sections 27 to 86 of *The Telephone Act*; and
- (b) debentures of the municipality issued in respect of the system are then outstanding and unpaid,

R.S.O. 1970, c. 457

the Corporation and the municipality may agree, or the Board in determining the compensation may order the Corporation to pay to the municipality before the due date all amounts of principal and interest becoming due upon such outstanding debentures, or upon such of them as the agreement or order provides.

Subscribers' lands released from debt

(2) Where the municipal telephone system purchased or expropriated by the Corporation is subject to sections 35 to 86 of *The Telephone Act* and an agreement or order is made under subsection 1, any debentures theretofore issued in respect of the system and outstanding and unpaid cease to be a charge upon the lands of the respective subscribers or any of them.

Special rates

(3) Where an agreement or order is made under subsection 1 in respect of any debentures outstanding and unpaid, the municipality shall raise in each year during the currency of all outstanding debentures issued in respect of the system by a special rate on all the rateable property in the municipality, the sums of principal and interest payable in respect of the debentures in such year to the extent that such sums are not provided out of the proceeds of the sale and the moneys payable by the Corporation under the agreement or order. R.S.O. 1960, c. 280, s. 5.

6.—(1) The Corporation, in addition to its powers under subsection 2 of section 4, has power, Acquisition of land

- (a) to acquire by purchase, lease or otherwise;
- (b) without the consent of the owner, to enter upon, take and expropriate; and
- (c) to sell or otherwise dispose of,

any land or any interest in land.

(2) The Corporation in the exercise of its power to take land compulsorily has all the powers conferred by *The Public Works Act* on the Minister of Public Works in relation to a public work, and in the application of this section where the words “the Minister”, “the Department” or “the Crown” appear in such Act they, where the context permits, mean the Corporation, and the taking of such land by the Corporation shall be deemed to be for the public purposes of Ontario. Expropriation R.S.O. 1970, c. 393 R.S.O. 1960, c. 280, s. 6 (1, 2).

(3) The Corporation shall proceed in the manner provided by *The Expropriations Act*. Procedure R.S.O. 1970, c. 154 R.S.O. 1960, c. 280, s. 6 (3), *amended*.

7.—(1) To carry out its object, the Corporation has power, Borrowing powers: with the approval of the Lieutenant Governor in Council and subject to the regulations, to raise from time to time, by way of loan, such sums of money as it considers expedient, and such loans may be made in any or all of the following ways or partly in one and partly in another or others:

- (a) by the issue and sale of debentures of the Corporation debentures issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant Governor in Council considers expedient and as the regulations may provide;
- (b) by the issue and sale of treasury bills or notes of the Corporation bills and notes issued in such form and denominations and at such rate of interest and with the principal and interest thereof payable at such periods, times and places as the Lieutenant Governor in Council considers expedient and as the regulations may provide; and
- (c) by temporary loans as the Lieutenant Governor in Council considers expedient and as the regulations may temporary loans provide.

(2) The Corporation has power, with the approval of the Lieutenant Governor in Council and subject to the regulations, to raise from time to time, by way of loan and by any of the ways set forth in subsection 1, any sum or sums of money for any one or more of the following purposes: Refunding of loans, etc.

(a) payment, retirement, refunding or renewal of the whole or any part of any debentures, bills or notes issued by the Corporation under clause *a* or *b* of subsection 1; and

(b) payment, retirement, refunding or renewal of the whole or any part of any temporary loan made by the Corporation under clause *c* of subsection 1.

Debentures
may be
redeemable
before
maturity

(3) Debentures issued by the Corporation may be expressed to be redeemable, at the option of the Corporation, on any date prior to maturity according to the mode, terms, periods, times and places of redemption approved by the Lieutenant Governor in Council and as the regulations may provide.

Debentures
to state
source of
authoriza-
tion

(4) Every debenture, bill or note issued by the Corporation shall contain a statement in the body thereof that it is issued under the authority of this Act and no debenture, bill or note purporting to be issued by the Corporation is valid unless such statement is so contained.

Advertise-
ments of
sale to state
source of
authoriza-
tion

(5) Every advertisement for the sale by the Corporation of any of its debentures, bills or notes shall contain a statement that the issue and sale of the debentures, bills or notes are made under the authority of this Act.

Lost
debentures

(6) Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the board of directors may provide for its replacement on such terms as to evidence and as to indemnity as the board may require. R.S.O. 1960, c. 280, s. 7 (2-6).

Guarantee
of payment
by Ontario

8.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of Ontario of any debentures, bills or notes issued by, or of any temporary loan made to the Corporation under the authority of this Act.

Form of
guaranty

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant Governor in Council.

Validity of
guaranty

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon the Province of Ontario and is not open to question upon any ground whatsoever.

Guaranteed
debentures,
etc.

(4) Any debenture, bill or note issued by, or temporary loan made to the Corporation, payment whereof is guaranteed by the Province of Ontario under this section, is valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question on any ground whatsoever. R.S.O. 1960, c. 280, s. 8.

9. Notwithstanding anything in any other Act, debentures issued by the Corporation are at all times a lawful investment for municipal, school and trust funds. R.S.O. 1960, c. 280, s. 9. Trustees,
etc., invest-
ments in
debentures

10. The books and records of the Corporation shall be audited annually by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council may designate. R.S.O. 1960, c. 280, s. 10. Audit

11.—(1) The Corporation shall make a report annually to the member of the Executive Council to whom the administration of this Act is assigned and to the Authority, and such report shall contain a financial statement certified by the auditor and such other matters relating to the work of the Corporation as may appear to be of public interest. Report

(2) A copy of the report shall be filed with the Provincial Secretary, who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1960, c. 280, s. 11. Idem

12. The Lieutenant Governor in Council may make regulations governing, Regulations

- (a) the management, control and administration of the affairs of the Corporation;
- (b) the issue and sale of debentures, bills or notes and the making of temporary loans by the Corporation;
- (c) the payment, retirement, refunding or renewal of debentures, bills or notes issued and loans made by the Corporation;
- (d) the redemption before maturity of any debentures issued by the Corporation;
- (e) the registration of debentures issued by the Corporation and the keeping of debenture registers in connection therewith;
- (f) the guarantee of payment by the Province of Ontario of any debentures, bills or notes issued and loans made by the Corporation, and the form and manner of execution of any guaranty of payment;
- (g) the acquisition of existing telephone systems by the Corporation;
- (h) the construction, operation and maintenance of telephone systems, and extensions thereof, by the Corporation;

- (i) the sale of its telephone systems, or any part or parts thereof, by the Corporation;
- (j) the purchase and sale by the Corporation of shares of companies operating telephone systems or incorporated for the purpose of operating telephone systems;
- (k) any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 280, s. 12.

Application
of R.S.O.
1970, c. 457

13.—(1) Except where inconsistent with this Act, *The Telephone Act* applies to the Corporation and its undertaking.

R.S.O. 1970,
c. 89 not
applicable

(2) *The Corporations Act* does not apply to the Corporation. R.S.O. 1960, c. 280, s. 13.

Administra-
tion of
Act

14. This Act shall be administered by the member of the Executive Council to whom it is assigned by the Lieutenant Governor in Council. R.S.O. 1960, c. 280, s. 14.

CHAPTER 331

The Ontario Universities Capital Aid Corporation Act

1. In this Act,

Interpretation

- (a) “college” means a college of applied arts and technology established under section 15 of *The Department of Education Act*, and includes Ryerson Polytechnical Institute established under *The Ryerson Polytechnical Institute Act, 1962-63*; R.S.O. 1970, c. 111
1962-63, c. 128
- (b) “Corporation” means The Ontario Universities Capital Aid Corporation;
- (c) “university” means a university in Ontario designated under this Act by the Minister of University Affairs. 1964, c. 85, s. 1; 1967, c. 69, s. 1; 1968, c. 91, s. 1.

2. This Act applies,

Application of Act

- (a) to all colleges; and
- (b) to such universities as are designated by the Minister of University Affairs. 1967, c. 69, s. 2.

3.—(1) The Ontario Universities Capital Aid Corporation is continued as a corporation without share capital, consisting of not fewer than three and not more than seven members appointed by the Lieutenant Governor in Council. 1964, c. 85, s. 3 (1); 1967, c. 69, s. 3, *amended*. Corporation continued

(2) The Lieutenant Governor in Council shall designate one member of the Corporation to be chairman and one member to be vice-chairman of the Corporation. Chairman

(3) The Corporation shall have a seal which shall be adopted by resolution. Seal

(4) A majority of the members of the Corporation constitutes a quorum. Quorum

(5) *The Corporations Act* does not apply to the Corporation. 1964, c. 85, s. 3 (2-5). Application of R.S.O. 1970, c. 89

4. The objects of the Corporation are,

Objects

- (a) to purchase from colleges bonds or debentures issued by them for capital construction projects that have been approved by the Minister of Education; and

- (b) to purchase from universities bonds or debentures issued by them for capital construction projects that have been approved by the Minister of University Affairs. 1967, c. 69, s. 4.

Management

5.—(1) Subject to the regulations made under this Act, the affairs of the Corporation are under the management and control of the members for the time being of the Corporation, and the chairman shall preside at all meetings of the Corporation and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform the duties of the chairman.

Administration

(2) The Corporation shall be assisted in the administration of its affairs by such officers and other employees in the public service of Ontario as the Treasurer of Ontario may assign for the purpose. 1964, c. 85, s. 5.

Borrowing powers

6.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time borrow or raise by way of loan such sums of money as the Corporation considers requisite for any of the purposes of the Corporation in any one or more, or partly in one and partly in another, of the following ways:

- (a) by the issue and sale of debentures, bills or notes of the Corporation in such form or forms, in such denomination or denominations, bearing interest at such rate or rates and payable as to principal and interest at such time or times, in such currency or currencies and at such place or places as the Corporation may determine; and
- (b) by temporary loans or loans from any chartered bank or banks or from any person either by way of bank overdraft or loan or in any other manner whatsoever as the Corporation may determine. 1964, c. 85, s. 6 (1).

Purposes of Corporation

(2) The purposes of the Corporation, without limiting the generality thereof, include,

- (a) the carrying out of the objects of the Corporation mentioned in section 4;
- (b) the payment, refunding or renewal from time to time of the whole or any part of any sum or sums of money raised by way of loan or of any securities issued by the Corporation;
- (c) the repayment in whole or in part of any advances made by Ontario to the Corporation or of any securities of the Corporation issued and delivered to the Treasurer of Ontario in respect of any advances; and

- (d) the payment of the whole or any part of any obligation, liability or indebtedness of the Corporation. 1964, c. 85, s. 6 (2); 1967, c. 69, s. 5.

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may sell any debentures, bills or notes of the Corporation either at, or at less or more than, the par value thereof, and may charge, pledge or otherwise deal with any such debentures, bills or notes as collateral security. Sale, etc., of Corporation's securities

(4) A recital or declaration in any resolution or minute of the Corporation authorizing the issue and sale of debentures, bills or notes of the Corporation to the effect that it is necessary to issue and sell such debentures, bills or notes for the purpose of the Corporation in the amount authorized is conclusive evidence to that effect. Authorization

(5) Debentures, bills or notes of the Corporation shall be sealed with the seal of the Corporation and may be signed by the chairman or vice-chairman of the Corporation and by the secretary or other officer of the Corporation, and any interest coupon that may be attached to any debenture, bill or note of the Corporation may be signed by the secretary or other officer of the Corporation. Sealing, signing, etc.

(6) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture, bill or note and any signature upon any debenture, bill or note and upon any coupon may be engraved, lithographed, printed or otherwise mechanically reproduced, and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed, and any such signature is for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office. 1964, c. 85, s. 6 (3-6). Mechanical reproduction of seal and signature authorized

7. Any debenture, bill or note of the Corporation may be made redeemable in advance of maturity at such time or times, at such price and on such terms and conditions as the Corporation may determine at the time of the issue thereof. 1964, c. 85, s. 7. Securities of Corporation redeemable in advance

8. Where a debenture, bill or note of the Corporation is defaced, lost or destroyed, the Corporation may provide for its replacement on such terms as to evidence and as to indemnity as the Corporation may require. 1964, c. 85, s. 8. Lost debentures

9.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of Ontario of any debentures, bills or notes issued by or of any temporary loan made to the Corporation under the authority of this Act. 1964, c. 85, s. 9 (1), *amended*. Guarantee of payment by Province

Form of
guaranty

(2) The form of guaranty and the manner of execution shall be determined by the Lieutenant Governor in Council. 1964, c. 85, s. 9 (2).

Validity of
guaranty

(3) Every guaranty given or purporting to be given under the authority of this section is binding upon the Province of Ontario and is not open to question upon any ground whatsoever.

Guaranteed
debentures,
etc., to be
indefeasible

(4) Any debenture, bill or note issued by or any temporary loan made to the Corporation, payment whereof is guaranteed by the Province of Ontario under this section, is valid and binding upon the Corporation, its successors and assigns according to its terms, and the validity of any debenture, bill or note or temporary loan so guaranteed is not open to question on any ground whatsoever. 1964, c. 85, s. 9 (3, 4), *amended*.

Trustees,
etc., invest-
ments in
debentures

10. Notwithstanding anything in any other Act, debentures issued by the Corporation are at all times a lawful investment for municipal, school and trust funds. 1964, c. 85, s. 10.

Purchase of
university
debentures
R.S.O. 1970,
c. 125

11.—(1) The Corporation, with the approval of the Lieutenant Governor in Council and subject to section 5 of *The Department of University Affairs Act*, and to the regulations made under this Act, may from time to time purchase from any university bonds or debentures issued by the university for capital construction projects approved by the Minister of University Affairs. 1964, c. 85, s. 11.

Purchase of
college
debentures

(2) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations made under this Act, may from time to time purchase from any college bonds or debentures issued by the college for capital construction projects approved by the Minister of Education. 1967, c. 69, s. 6.

Sale, etc.,
of University
debentures
purchased by
Corporation

12. The Corporation may, with the approval of the Treasurer of Ontario and subject to the regulations made under this Act, sell, hypothecate or otherwise dispose of any debentures purchased by the Corporation under the authority of this Act. 1964, c. 85, s. 12.

Audit

13. The books and accounts of the Corporation shall be audited annually by the Provincial Auditor, and he shall make an annual report of the audit to the Treasurer of Ontario, and the Treasurer shall table the report in the Assembly if it is in session or, if not, at the next ensuing session. 1964, c. 85, s. 13.

Sale of
Corpora-
tion's
securities
to Province
and provin-
cial advances
to Cor-
poration
authorized

14.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario,

(a) to purchase any debentures, bills or notes of the Corporation; and

- (b) to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may consider expedient.

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund. 1964, c. 85, s. 14. Idem

15. The Lieutenant Governor in Council may make regulations governing, Regulations

- (a) the management, control and administration of the affairs of the Corporation;
- (b) the arrangements that the Corporation may make for the purchase of debentures of colleges and universities, and the purchase of such debentures;
- (c) the manner in which colleges and universities may apply to the Corporation for its purchase of their debentures, and the forms, records and proofs to be furnished with such applications;
- (d) the conditions to be imposed with regard to the purchase by the Corporation of debentures of colleges and universities;
- (e) the consideration and granting by the Corporation of applications for its purchase of debentures of colleges and universities;
- (f) the sale, hypothecation or other disposition by the Corporation of any debentures of colleges and universities purchased by the Corporation;
- (g) any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1964, c. 85, s. 15; 1967, c. 69, s. 7.

16. The Treasurer of Ontario shall administer this Act and the regulations made under this Act. 1964, c. 85, s. 16. Administration of Act

CHAPTER 332

**The Ontario Water Resources
Commission Act****1. In this Act,**Interpre-
tation

- (a) “Board” means the Ontario Municipal Board;
- (b) “borrowings of the Commission” includes all loans raised by the Commission by the issue of debentures or otherwise and all advances from the Province to the Commission;
- (c) “Commission” means the Ontario Water Resources Commission;
- (d) “Commission Debt Retirement Account” means the Ontario Water Resources Commission Debt Retirement Account;
- (e) “Commission Reserve Account” means the Ontario Water Resources Commission Reserve Account;
- (f) “construction” includes reconstruction, improvement, extension, alteration, replacement and repairs, and “construct” has a corresponding meaning;
- (g) “cost” in relation to a project means the cost thereof as determined by the Commission and includes interest during construction and such engineering fees and other charges and expenses in connection with construction as the Commission may determine, and such proportion of discounts, commissions and other charges and expenses in respect of the issue of debentures by the Commission as the Commission in its discretion may allocate to the project;
- (h) “date of completion” of a project means the date that is certified by the Commission as being the date on which the project is completed to the extent necessary to enable the Commission to supply water or to receive, treat and dispose of sewage, as the case may be;
- (i) “debentures” includes bonds, notes and other securities;
- (j) “land” includes any estate, term, easement, right or interest in, to, over or affecting land;
- (k) “Minister” means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;

R.S.O. 1970,
c. 118

- (*l*) “municipality” has the same meaning as in *The Department of Municipal Affairs Act*;
- (*m*) “owner” means a municipality or person having authority to construct, maintain, operate, repair, improve or extend water works or sewage works;
- (*n*) “project” means water works or sewage works provided for in an agreement under section 52;
- (*o*) “Province” means the Province of Ontario;
- (*p*) “sewage” includes drainage, storm water, commercial wastes and industrial wastes and such other matter or substance as is specified by regulations made under clause *l* of subsection 1 of section 62;
- (*q*) “sewage works” means any works for the collection, transmission, treatment and disposal of sewage, or any part of any such works, but does not include plumbing or other works to which regulations made under clause *f* of subsection 1 of section 62 apply;
- (*r*) “water works” means any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, but does not include plumbing or other works to which regulations made under clause *f* of subsection 1 of section 62 apply. R.S.O. 1960, c. 281, s. 1; 1960-61, c. 71, s. 1; 1961-62, c. 99, s. 1; 1964, c. 86, s. 1; 1970, c. 124, s. 1.

ADMINISTRATION

Responsible
Minister

2. The Lieutenant Governor in Council may from time to time designate a member of the Executive Council to administer this Act. R.S.O. 1960, c. 281, s. 2.

THE COMMISSION

Commission
continued

1956, c. 62

3.—(1) The Ontario Water Resources Commission constituted a corporation without share capital on behalf of Her Majesty in right of Ontario by *The Ontario Water Resources Commission Act, 1956* is continued and shall be composed of not fewer than five and not more than eleven persons as the Lieutenant Governor in Council from time to time may determine. R.S.O. 1960, c. 281, s. 3 (1); 1970, c. 124, s. 2 (1).

Appoint-
ment

(2) The Lieutenant Governor in Council shall appoint the members of the Commission and shall designate one member as chairman and one or more members as vice-chairmen.

Acting
chairman

(3) In the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, a vice-chairman designated by the chairman or, failing such designation, a

vice-chairman designated by the Commission shall act as and have all the powers of the chairman and, in the event of the absence of the chairman and vice-chairman from any meeting of the Commission, the members present shall appoint an acting chairman, who, for the purposes of the meeting shall act as and have all the powers of the chairman. 1970, c. 124, s. 2 (2).

(4) Each member of the Commission shall hold office during pleasure and the Lieutenant Governor in Council upon the death, resignation or removal from office of any member of the Commission may appoint some other person in his place. R.S.O. 1960, c. 281, s. 3 (4). Vacancies

4. A copy of any by-law, resolution of minute of the Commission or of any direction, order, report, approval, notice, permit or licence made or issued by the Commission, certified by the secretary or assistant secretary under the seal of the Commission to be a true copy, shall be received as *prima facie* evidence in any court without further proof. R.S.O. 1960, c. 281, s. 4; 1970, c. 124, s. 3. Evidence

5. All expenditures of the Commission, except such part thereof as is payable to the Commission by the municipalities or persons having project agreements with the Commission either under this Act or under such agreements, shall be paid out of its revenues or the moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 281, s. 5. Expenditures

6. The books and records of the Commission shall be examined annually by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council may designate. R.S.O. 1960, c. 281, s. 6. Audit

7.—(1) The Commission shall make a report annually to the Minister containing such information as the Minister may require. Annual report

(2) A copy of the report shall be filed with the Provincial Secretary who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1960, c. 281, s. 7. Idem

8.—(1) Except as provided in subsection 2, three members of the Commission constitute a quorum. 1970, c. 124, s. 4 (1). Quorum

(2) For the purposes of,

Idem

(a) subsection 5 of section 52; and

(b) authorizing agreements in respect of projects under section 52;

two members of the Commission constitute a quorum. 1965, c. 91, s. 1; 1970, c. 124, s. 4 (2).

Delegation
of powers

9. The Commission may by resolution authorize on such terms and conditions as it considers proper, any officer or officers of the Commission to exercise any of the powers conferred upon the Commission under,

- (a) subsections 3, 4, 6 and 7 of section 37;
- (b) subsections 1 and 3 of section 38;
- (c) subsections 1 and 2 of section 39;
- (d) subsections 1, 2 and 4 of section 40;
- (e) subsections 1 and 4 of section 41;
- (f) subsections 1 and 4 of section 42;
- (g) subsections 1, 4 and 10 of section 43 and subsections 1 and 3 of section 44 respecting the holding of a hearing and the giving of notice thereof; or
- (h) subsections 1 and 2 of section 57. 1970, c. 124, s. 5.

Remunera-
tion

10. The chairman, vice-chairman and other member or members, as the case may be, of the Commission shall receive such remuneration for their services as the Lieutenant Governor in Council may determine. R.S.O. 1960, c. 281, s. 9.

Officers and
employees

11.—(1) The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, personnel qualifications and salary ranges for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, qualifications and salary ranges so approved. R.S.O. 1960, c. 281, s. 10 (1).

Employees' superannua-
tion benefits
R.S.O. 1970,
c. 387

(2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Commission, except members of the staff who are members of the Ontario municipal Employees Retirement System, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act. 1962-63, c. 99, s. 1; 1970, c. 124, s. 6.

Security
by officers

R.S.O. 1970,
c. 382

12. Every member and employee who is entrusted by the Commission with the custody or control of money or securities shall give security in the manner and form provided by *The Public Officers Act*. R.S.O. 1960, c. 281, s. 11.

Fiscal year

13. The fiscal year of the Commission begins on the 1st day of January and ends on the 31st day of December of the same year. R.S.O. 1960, c. 281, s. 12.

14. The powers of the Commission shall be exercised by Execution of powers by-law or resolution. R.S.O. 1960, c. 281, s. 13.

15. The Commission may pass by-laws governing the pro- By-laws ceedings and the calling of meetings of the Commission, specifying the powers and duties of employees of the Commission and generally dealing with all matters within its objects. R.S.O. 1960, c. 281, s. 14.

16. *The Corporations Act* does not apply to the Commis- R.S.O. 1970, c. 89, not applicable sion. R.S.O. 1960, c. 281, s. 15.

17.—(1) Notwithstanding any other Act, it is the function of Function the Commission and it has power,

- (a) to control and regulate the collection, production, treatment, storage, transmission, distribution and use of water for public purposes and to make orders with respect thereto;
- (b) to construct, acquire, provide, operate and maintain water works and to develop and make available supplies of water to municipalities and persons;
- (c) to construct, acquire, provide, operate and maintain sewage works and to receive, treat and dispose of sewage delivered by municipalities and persons;
- (d) to make agreements with any one or more municipalities or persons with respect to a supply of water or the reception, treatment and disposal of sewage;
- (e) to conduct research programs and to prepare statistics for its purposes;
- (f) to disseminate information and advice with respect to the collection, production, transmission, treatment, storage, supply and distribution of water or sewage, and to charge fees in respect thereof; and
- (g) to perform such functions or discharge such duties as may be assigned to it from time to time by the Lieutenant Governor in Council. R.S.O. 1960, c. 281, s. 16 (1); 1962-63, c. 99, s. 2.

(2) Every person who contravenes any order made under Offence clause *a* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for every day or part thereof during which such contravention continues. R.S.O. 1960, c. 281, s. 16 (2).

18. Any municipality may enter into agreements with the Agreements under s. 17 Commission under clause *d* of subsection 1 of section 17, and subsections 4 to 8 of section 52, section 54 and subsection 5 of

section 56 apply *mutatis mutandis* to such agreements. 1961-62, c. 99, s. 2.

Municipal
powers

19. The Commission may for its purposes exercise any or all of the powers that are conferred by any general Act upon a municipality respecting the establishment, construction, maintenance or operation of water works or sewage works. R.S.O. 1960, c. 281, s. 17; 1961-62, c. 99, s. 3.

Inspection
of premises,
etc.

20.—(1) The Commission and its employees and agents may at any time for its purposes, without consent and without compensation, enter into the lands or buildings of the Province or of any municipality or of any person, or into any highway or road under the jurisdiction and control of any public authority, or into any boat or ship to which the regulations under clause *n* of subsection 1 of section 62 apply, and may make such surveys, examinations, investigations, inspections or other arrangements as it considers necessary, and, except as provided in subsection 3, the Commission is liable for any damage occasioned thereby. 1966, c. 108, s. 1.

Right to
lay and
maintain
pipes under
roads

(2) The Commission and its employees and agents may for its purposes, without consent and without compensation, lay, maintain, repair, alter or replace such pipes and appurtenances thereto as it considers necessary in, upon, through, over and under any highway or road under the jurisdiction and control of any public authority. R.S.O. 1960, c. 281, s. 18 (2); 1964, c. 86, s. 2.

Land, etc.,
to be
restored

(3) Lands, buildings, highways or roads disturbed by the exercise of any of the powers mentioned in subsection 1 or 2 shall be restored to their original condition without unnecessary delay. R.S.O. 1960, c. 281, s. 18 (3).

Offence

(4) Every person who hinders or obstructs any employee or agent of the Commission in the exercise of his powers or the performance of his duties under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day upon which the offence is committed or continues. 1970, c. 124, s. 7.

Acquisition
of land, etc.

21.—(1) The Commission may for its purposes acquire by purchase, lease or otherwise or, without the consent of the owner, enter upon, take possession of, expropriate and use land and may use the waters of any lake, river, pond, spring or stream as may be considered necessary for its purposes, and, upon such terms as it considers proper, may sell, lease or dispose of any land that in its opinion is not necessary for its purposes.

Expropria-
tion
R.S.O. 1970,
c. 393

(2) The Commission in the exercise of its powers to take such land compulsorily has all the powers conferred by *The Public Works Act* on the Minister of Public Works in relation to a public

work, and in the application of this section where the words “the Minister”, “the Department” or “the Crown” appear in such Act they, where the context permits, mean the Commission, and the taking of such land by the Commission shall be deemed to be for the public purposes of Ontario. R.S.O. 1960, c. 281, s. 19 (1, 2).

(3) The Commission shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works enters upon, takes or uses land for the public purposes of Ontario and *The Expropriations Act* applies. R.S.O. 1960, c. 281, s. 19 (3), amended. Procedure cc. 393, 154

(4) For the purpose of this section, “owner” has the same meaning as in *The Public Works Act*. R.S.O. 1960, c. 281, s. 19 (5). Interpretation

22. Subject to section 21, *The Public Works Act* does not apply to real or personal property of the Commission acquired for the purpose of a project or for the provision of water or sewage service by the Commission as defined in section 61. 1966, c. 108, s. 2, part. Application of R.S.O. 1970, c. 393 to property acquired for water or sewage service

23.—(1) A right or interest in, over, above, upon, across, along, through, under or affecting any land or any covenant or condition relating thereto, in respect of water or sewage works, in favour of the Commission or any municipality having a contract with the Commission in respect of water or sewage works is valid and enforceable in accordance with the terms of the instrument granting, creating or containing them, notwithstanding that the right or interest or the benefit of the covenant or condition is not appurtenant or annexed to or for the benefit of any land of the Commission or the municipality. Instruments creating rights analogous to easements

(2) On and after the registration of an instrument to which subsection 1 applies in the proper registry or land titles office, all the rights, interests, covenants and conditions granted or created by or contained in the instrument are binding upon and enure to the benefit of the heirs, successors, personal representatives and assigns of the parties to the instrument. Terms of instrument binding on successors

(3) A party to an instrument to which subsection 1 applies or a person to whom subsection 2 applies is not liable for breach of a covenant or condition contained in the instrument committed after he ceased to be the owner of the land therein mentioned, or after he ceased to hold the interest in the land by virtue of which he or his predecessor in title executed the instrument. Liability of grantor for breach of covenant limited

(4) Where the land mentioned in an instrument to which subsection 1 applies is sold for taxes, the land shall be deemed to have been sold subject to any right or interest granted or created by and any condition or covenant contained in the instrument. Land to remain subject to instrument when sold for taxes

Application

(5) This section applies to rights, interests, covenants and conditions granted or created by or contained in any instrument of the type mentioned in subsection 1, executed after the 28th day of March, 1956. 1966, c. 108, s. 2, *part*.

Deposit and investment of moneys

24. Without limiting sections 57, 58 and 59, the Commission shall deposit any moneys in its hands in accounts in one or more chartered banks or a Province of Ontario Savings Office or with the Treasurer of Ontario and may in its discretion invest any such moneys in bonds, debentures or other securities of or guaranteed by Canada or any province of Canada or the United Kingdom or in securities of the United States of America. R.S.O. 1960, c. 281, s. 20; 1961-62, c. 99, s. 4.

Temporary loans

25.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may from time to time for any of the purposes of the Commission borrow by way of temporary loan from any chartered bank or from any person such sums as the Commission considers requisite, either by way of bank overdraft or loan or in any other manner whatsoever.

Execution of instruments

(2) Any cheques, promissory notes or other instruments that may be necessary or desirable for the purpose of subsection 1 may be executed in such manner as the Commission may determine.

Provincial guarantee

(3) The Lieutenant Governor in Council may authorize the Treasurer of Ontario for and on behalf of the Province to guarantee repayment of any such temporary loans. R.S.O. 1960, c. 281, s. 21.

Issue of debentures

26.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may by by-law authorize the borrowing from time to time by the issue and sale of debentures of the Commission of such sums of money as the Commission considers requisite for any of its purposes.

Purposes, what to include

(2) The purposes of the Commission shall, without limiting the generality thereof, include,

- (a) the acquisition, construction, operation and maintenance of projects and any renewals, betterments, enlargements, replacements and extensions thereof or additions thereto, providing in whole or in part for its expenditures made or to be made in connection therewith, including interest, engineering fees and other charges and expenses in connection with the construction of any project, or reimbursing it for any such expenditures heretofore or hereafter made, and repaying in whole or in part any of its temporary borrowings for any such purposes;

- (b) the payment, refunding or renewal from time to time of the whole or any part of any loan raised or debentures issued by the Commission;
- (c) the repayment from time to time of the whole or any part of any advances made by the Province to the Commission or of any debentures of the Commission issued and delivered to the Treasurer of Ontario in respect of such advances; and
- (d) the payment of the whole or any part of any other obligation, liability or indebtedness of the Commission.

(3) The debentures of the Commission may bear interest at such rate or rates and may be payable as to principal and interest in such currency or currencies and at such place or places in Canada or elsewhere and at such time or times and in such manner as the Commission may determine, and any such securities may be made redeemable in advance of their regular maturity date at such time or times, at such price or prices and on such terms and conditions as may be provided in the by-law of the Commission authorizing the issue thereof.

Features of
debentures

(4) Subject to the approval of the Lieutenant Governor in Council, the Commission may sell or otherwise dispose of any such debentures either at the par value or at less or more than the par value and upon such terms and conditions as the Commission may determine and the Commission may charge, pledge, hypothecate or otherwise deal with any such debentures as collateral security.

Sale of
debentures

(5) A recital or declaration in any by-law of the Commission authorizing the issue and sale of debentures of the Commission to the effect that it is necessary to issue and sell debentures for the purposes of the Commission in the amount so authorized is conclusive evidence of the fact.

Evidence
as to
necessity
of issue

(6) The debentures of the Commission and the interest coupons, if any, attached thereto shall be in such form or forms and shall be executed in such manner as the Commission may determine.

Form of
debentures

(7) The Commission may provide that the seal of the Commission may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture to which it is to be affixed and that any signature upon any debenture and upon the coupons, if any, attached thereto may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Reproduction
of
seal and
signatures

(8) The seal of the Commission when so mechanically reproduced has the same force and effect as if manually affixed and such mechanically reproduced signatures are for all purposes valid and binding upon the Commission notwithstanding that

Idem

any person whose signature is so reproduced has ceased to hold office before the date of the debentures or before the issue thereof. R.S.O. 1960, c. 281, s. 22.

Debentures
deemed
trust
securities

27. The debentures of the Commission are hereby declared to be securities in which trust funds may lawfully be invested in Ontario. R.S.O. 1960, c. 281, s. 23.

Provincial
guarantee of
debentures

28.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario for and on behalf of the Province to guarantee the payment of the principal of and interest on any debentures issued by the Commission, and the form and manner of execution of any such guarantee or guarantees shall be such as the Lieutenant Governor in Council may approve.

Idem

(2) The Province is liable for the payment of the principal of and interest on the debentures guaranteed according to the tenor thereof, and the Lieutenant Governor in Council is authorized to make arrangements for supplying the money necessary to fulfil the requirements of the guarantee or guarantees and to advance the amount necessary for that purpose out of the Consolidated Revenue Fund. R.S.O. 1960, c. 281, s. 24.

Purchase of
debentures
by Province

29.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario,

- (a) to purchase any debentures of the Commission; and
- (b) to make advances to the Commission in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council considers expedient.

Idem

(2) The moneys required for the purposes of this section shall be paid out of the Consolidated Revenue Fund. R.S.O. 1960, c. 281, s. 25.

WATER

Where
quality of
water
deemed to
be impaired

30. Under sections 31, 32, 34 and 36 the quality of water shall be deemed to be impaired if, notwithstanding that the quality of the water is not or may not become impaired, the material deposited or discharged or caused or permitted to be deposited or discharged or any derivative of such material causes or may cause injury to any person, animal, bird or other living thing as a result of the use or consumption of any plant, fish or other living matter or thing in the water or in the soil in contact with the water. 1970, c. 124, s. 8.

Supervision
of waters

31.—(1) For the purposes of this Act, the Commission has the supervision of all surface waters and ground waters in Ontario. 1970, c. 124, s. 9.

(2) The Commission may examine any surface waters or ground waters in Ontario from time to time to determine what, if any, pollution exists and the causes thereof. R.S.O. 1960, c. 281, s. 26 (2). Examination for pollution

(3) Where any person is discharging or depositing or causing or permitting the discharge or deposit of any material of any kind into or in or near any well, lake, river, pond, spring, stream, reservoir or other body of water or watercourse that, in the opinion of the Commission, may impair the quality of the water in such well, lake, river, pond, spring, stream, reservoir or other body of water or watercourse, the Commission may apply *ex parte* to a judge of the Supreme Court or of the county or district court of the county or district in which the material is being discharged or deposited for an order prohibiting such discharge or deposit for such period not exceeding twenty-one days and on such terms and conditions as the judge considers proper, and such order may, on application to a judge of the Supreme Court or of the county or district court of the county or district in which the material is being discharged or deposited, be continued for such period and on such terms and conditions as the judge considers proper. 1964, c. 86, s. 3; 1966, c. 108, s. 3. Injunction to prevent pollution of water

32.—(1) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment. 1961-62, c. 99, s. 5; 1970, c. 124, s. 10 (1). Discharge of polluting material prohibited

(2) Each day that a municipality or person contravenes subsection 1 constitutes a separate offence. Separate offences

(3) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind, and such discharge or deposit is not in the normal course of events, or from whose control material of any kind escapes into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, shall forthwith notify the Commission of the discharge, deposit or escape, as the case may be. Commission to be notified when polluting material is discharged, deposited or escapes

Offence

(4) Every municipality or person that fails to notify the Commission as provided in subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. 1970, c. 124, s. 10 (2).

Where
subs. 1
does not
apply

(5) The discharge into any lake, river, stream or other water or watercourse of sewage from sewage works that have been constructed and are operated in accordance with the approval of the Department of Health or the Commission or in conformity with any order of the Board is not a contravention of subsection 1. R.S.O. 1960, c. 281, s. 27 (2).

Prohibiting
or
regulating
discharge of
sewage

33.—(1) With the approval of the Minister, the Commission may by order prohibit or regulate the discharge or deposit by any municipality or person of any sewage into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, and any such order may, with the approval of the Minister, be amended, varied or revoked by the Commission as it considers desirable.

Offence

(2) Every municipality or person that contravenes an order made under subsection 1 is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000.

Separate
offences

(3) Each day that a municipality or person contravenes an order made under subsection 1 constitutes a separate offence. 1970, c. 124, s. 11, *part.*

Equipment,
etc., to
alleviate
effects of
impairment
of quality
of water

34.—(1) Where, in the opinion of the Commission it is in the public interest to do so, the Commission may by order require any municipality or industrial or commercial enterprise to have on hand and available at all times such equipment, chemicals and other materials as the order specifies to alleviate the effects of any impairment of the quality of water that may be caused by the municipality or industrial or commercial enterprise.

Offence

(2) Every municipality or industrial or commercial enterprise that contravenes an order of the Commission made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for every day the contravention continues. 1970, c. 124, s. 11, *part.*

Before
making
order
Commission
to hold
hearing

35. Before making an order under section 33, 34, subsection 4 of section 37 or section 69, the Commission shall afford a reasonable opportunity to be heard to the municipality or person to whom the order is proposed to be directed. 1970, c. 124, s. 11, *part.*

36.—(1) The Commission may define an area that includes a source of public water supply, Area defined for protection of public water supply

- (a) wherein no person shall swim or bathe; or
- (b) wherein no material of any kind that may impair the quality of water therein shall be placed, deposited, discharged or allowed to remain; or
- (c) wherein no act shall be done and no water shall be taken that may unduly diminish the amount of water available in such area as a public water supply,

and thereupon the municipality or person who has a right to use the water from such source for the purpose of a public water supply shall give notice of the area so defined by publication, posting or otherwise as the Commission considers necessary for the protection of the source of public water supply. 1962-63, c. 99, s. 3, *part*; 1964, c. 86, s. 4 (1).

(2) Every person,

Offences

- (a) who swims or bathes within an area defined under clause *a* of subsection 1; or
- (b) who places, deposits, discharges or allows to remain within an area defined under clause *b* of subsection 1 any material of any kind that may impair the quality of the water therein; or
- (c) who does any act or takes water within an area defined under clause *c* of subsection 1 so that the amount of water available within the area as a public water supply may be unduly diminished,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both. 1962-63, c. 99, s. 3, *part*; 1964, c. 86, s. 4 (2).

(3) Subsection 2 does not apply where the act or taking of water that may unduly diminish the amount of water available as a public water supply within an area defined under subsection 1 was commenced before the notice of the area is given as required under subsection 1. 1962-63, c. 99, s. 3, *part*. Application

37.—(1) In this section, reference to the taking of water for use for domestic or farm purposes means the taking of water by any person other than a municipality or a company public utility for ordinary household purposes or for the watering of livestock, poultry, home gardens or lawns, but does not include the watering or irrigation of crops grown for sale. 1960-61, c. 71, s. 3, *part*. Interpretation

(2) In subsection 4, the reference to the taking of water for the watering of livestock or poultry does not include the taking of Idem

surface water into storage for the watering of livestock or poultry. 1965, c. 91, s. 2.

Taking
of water
regulated

(3) Notwithstanding any general or special Act or any regulation or order made thereunder and subject to subsection 5, no person shall take more than a total of 10,000 gallons of water in a day,

- (a) by means of a well or wells that are constructed or deepened after the 29th day of March, 1961; or
- (b) by means of an inlet or inlets from a surface source of supply, where the inlet or inlets is or are installed in the source of supply or is or are enlarged after the 29th day of March, 1961; or
- (c) by means of a structure or works constructed after the 29th day of March, 1961 for the diversion or storage of water; or
- (d) by any combination of the means referred to in clauses *a*, *b* and *c*,

without a permit issued by the Commission. 1960-61, c. 71, s. 3, *part*; 1961-62, c. 99, s. 6 (1); 1964, c. 86, s. 5 (1), *amended*.

Where
taking of
water
interferes
with other
person's
interest
in water

(4) Notwithstanding any general or special Act or any regulation or order made thereunder, where the taking of water for any purpose, other than the taking of water by any person except a municipality or company public utility for use for ordinary household purposes or for the watering of livestock or poultry and other than the taking of water by any person for fire fighting, interferes, in the opinion of the Commission, with any public or private interest in any water, the Commission may, by notice served on or sent by registered mail to the person who is taking or is responsible for the taking of water that so interferes, prohibit the person from so taking water without a permit issued by the Commission. 1964, c. 86, s. 5 (2).

Application
to domestic
and
farm use

(5) Subsection 3 does not apply to the taking of water by any person for use for domestic or farm purposes or for fire fighting. 1960-61, c. 71, s. 3, *part*.

Permit

(6) The Commission may in its discretion issue, refuse to issue or cancel a permit, may impose such terms and conditions in issuing a permit as it considers proper and may alter the terms and conditions of a permit after it is issued. 1960-61, c. 71, s. 3, *part*.

Flowing or
leaking of
water from
well, etc.,
regulated

(7) Where the flowing or leaking of water from a well, or the diversion, flowing or release of water from or by means of a hole or excavation made in the ground for any purpose other than the taking of water, interferes, in the opinion of the Commission, with any public or private interest in any water, the Commission may, by notice served on or sent to the person who constructed or made

such well, hole or excavation or to the registered owner of the land in which such well, hole or excavation is located, require the person or owner to stop or regulate such flowing, leaking, diversion or release of water in such manner and within such time as the Commission may direct, or require such person or owner to take such measures in relation to such flowing, leaking, diversion or release of water as the notice may require. 1964, c. 86, s. 5 (3), *part*; 1966, c. 108, s. 4.

- (8) Every person who contravenes,
- Offences
- (a) subsection 2 or 4; or
- (b) a notice served on him or received by him or on his behalf under subsection 4 or 7; or
- (c) any of the terms and conditions of a permit issued by the Commission,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day the contravention continues. 1964, c. 86, s. 5 (3), *part*.

38.—(1) No person shall add any substance to the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse for the purpose of killing or affecting plants, snails, insects, fish or other living matter or thing therein without a permit issued by the Commission.

Addition of substances to water regulated

(2) Subsection 1 does not apply to any person or to substances or any quantity or concentration thereof exempted from the application of subsection 1 by the regulations made under this Act.

Application of subs. 1

(3) The Commission may in its discretion issue, refuse to issue or cancel a permit, may impose such terms and conditions in issuing a permit as it considers proper, and may alter the terms and conditions of a permit after it is issued.

Permit

(4) Every person who contravenes subsection 1 or any of the terms and conditions of a permit issued by the Commission is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. 1961-62, c. 99, s. 7.

Offence

39.—(1) No person shall make a well or hole in the ground for the purpose of obtaining water, except by digging, in any area designated by the regulations made under this Act, without a permit issued by the Commission.

Drilling and boring of wells, etc., prohibited in certain areas

(2) The Commission may in its discretion issue, refuse to issue, or cancel a permit, may impose such terms and conditions in issuing a permit as it considers proper and may alter the terms and conditions of a permit after it is issued.

Permit

Offence (3) Every person who contravenes subsection 1 or any of the terms and conditions of a permit issued by the Commission is guilty of an offence and on summary conviction is liable to a fine of not more than \$50. 1964, c. 86, s. 6.

WATER WELL DRILLERS

Licences **40.**—(1) No person shall carry on the business of boring or drilling wells for water unless he is the holder of a licence therefor from the Commission.

Issue and renewal of licences (2) Upon application therefor in the prescribed form and upon payment of the prescribed fee, the Commission may issue or renew, as the case may be, a licence to any person to carry on the business of boring or drilling wells for water.

Expiry (3) Every such licence and renewal thereof expires on the 31st day of December following the date of issue or renewal.

Suspension and cancellation (4) The Commission may suspend or cancel a licence at any time.

Returns (5) Every licensee shall, within one month after the completion of the boring or drilling of a well for water, make a return to the Commission in the prescribed form.

Offence (6) Every person who contravenes a provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100. R.S.O. 1960, c. 281, s. 29.

WATER WORKS

Plans for water works to be submitted to Commission **41.**—(1) When any municipality or any person contemplates the establishment of any water works, or the extension of or any change in any existing water works, the plans, specifications and an engineer's report of the water supply and the works to be undertaken, together with such other information as the Commission may require, shall be submitted to the Commission, and no such works shall be undertaken or proceeded with and no by-law for raising money to finance such works shall be passed until the source of water supply and the proposed works have been approved by the Commission. R.S.O. 1960, c. 281, s. 30 (1).

Offence (2) Every municipality that or person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. 1964, c. 86, s. 7, *part.*

Powers of Commission where water works undertaken without approval (3) Where any person undertakes or proceeds with the establishment of any water works, or the extension of or change in any existing water works, without having first obtained the approval of the Commission, the Commission may order the person or his

successor or assignee to afford at his own expense such facilities as the Commission considers necessary for the investigation of the works and the source of water supply and may direct such changes to be made in the source of water supply and in the works as the Commission considers necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person or his successor or assignee at his own expense. R.S.O. 1960, c. 281, s. 30 (2); 1970, c. 124, s. 12.

(4) Where in the opinion of the Commission it is in the public interest to do so, the Commission may refuse to grant its approval or grant its approval on such terms and conditions as it considers necessary. R.S.O. 1960, c. 281, s. 30 (3). Commission may refuse or qualify approval

- (5) Every person, except a municipality, who, Offence
- (a) fails to comply with any direction or order given or made by the Commission under subsection 3; or
 - (b) contravenes any of the terms and conditions of the approval granted by the Commission under subsection 4,

is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such default or contravention continues. 1964, c. 86, s. 7, *part*.

(6) The owner of water works shall whenever required by the Commission make returns to the Commission of such matters as may be required by the Commission, and any such owner who, for the space of thirty days after being so required, fails or neglects to make the returns required is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. Returns from water works

(7) Water works shall at all times be maintained, kept in repair and operated in such manner and with such facilities as may be directed from time to time by the Commission. R.S.O. 1960, c. 281, s. 30 (4, 5). Water works to be kept in repair

(8) Every person, except a municipality, who fails to comply with any direction given by the Commission under subsection 7 is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such default continues. 1964, c. 86, s. 7, *part*. Offence

- (9) Subsections 1 and 3 do not apply, Application
- (a) to a water works to be used only for supplying water, for agricultural, commercial or industrial purposes, that is not required under any Act or regulation to be fit for human consumption;
 - (b) to a water works not capable of supplying water at a rate greater than 10,000 gallons per day;

- (c) to a privately-owned water works to be used to supply water only for five or fewer private residences; and
- (d) to such water works as may be exempted therefrom by regulations made under this Act. 1961-62, c. 99, s. 8.

SEWAGE WORKS

Plans for
sewage
works to be
submitted to
Commission

42.—(1) When any municipality or any person contemplates the establishment of any sewage works, or the extension of or any change in any existing sewage works, the plans, specifications and an engineer's report of the works to be undertaken, and the location of the discharge of effluent, together with such information as the Commission may require, shall be submitted to the Commission, and no such works shall be undertaken or proceeded with and no by-law for raising money to finance such works shall be passed until the proposed works have been approved by the Commission. R.S.O. 1960, c. 281, s. 31 (1).

Offence

(2) Every municipality that or person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. 1964, c. 86, s. 8, *part*.

Powers of
Commission
where sew-
age works
undertaken
without
approval

(3) Where any person undertakes or proceeds with the establishment of any sewage works, or the extension of or any change in any existing sewage works, without having first obtained the approval of the Commission, the Commission may order the person or his successor or assignee to afford at his own expense such facilities as the Commission considers necessary for the investigation of the works and the location of the discharge of effluent and may direct such changes to be made in the location of the discharge of effluent and in the works as the Commission considers necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person or his successor or assignee at his own expense. R.S.O. 1960, c. 281, s. 31 (2); 1970, c. 124, s. 13.

Commission
may refuse
or qualify
approval

(4) Where in the opinion of the Commission it is in the public interest to do so, the Commission may refuse to grant its approval or grant its approval on such terms and conditions as it considers necessary. R.S.O. 1960, c. 281, s. 31 (3).

Offence

(5) Every person, except a municipality, who,

- (a) fails to comply with any direction or order given or made by the Commission under subsection 3; or
- (b) contravenes any of the terms and conditions of the approval granted by the Commission under subsection 4,

is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such default or contravention continues. 1964, c. 86, s. 8, *part*.

(6) This section does not apply,

Application

- (a) to a sewage works from which sewage is not to drain or be discharged directly or indirectly into a ditch, drain or storm sewer or a well, lake, river, pond, spring, stream, reservoir or other water or watercourse;
- (b) to a privately-owned sewage works designed for the partial treatment of sewage that is to drain or be discharged into a sanitary sewer;
- (c) to a privately-owned sewage works serving only five or fewer private residences;
- (d) to a sewage works the main purpose of which is to drain agricultural lands;
- (e) to a drainage works under *The Drainage Act*, *The Cemeteries Act*, *The Highway Improvement Act* or *The Railways Act*;
- (f) to such sewage works as may be exempted therefrom by regulations made under this Act,

R.S.O. 1970,
cc. 136, 57, 201
R.S.O. 1950,
c. 131

but this section does apply to a sewage works for the distribution of sewage on the surface of the ground for the purpose of disposing of the sewage. 1961-62, c. 99, s. 9; 1965, c. 91, s. 3.

43.—(1) Where any municipality contemplates establishing or extending its sewage works in or into another municipality or territory without municipal organization, the Commission shall, before giving its approval under section 42, hold a public hearing and give at least ten days notice of the hearing to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Commission may direct. 1966, c. 108, s. 5, *part*; 1970, c. 124, s. 14 (1).

Establishment or extension of sewage works in or into another municipality, etc.

(2) Any public hearing required by this section may be held by any member of the Commission, and he shall report thereon to the Commission.

Hearing

(3) Where the Commission has given its approval under section 42 to an establishment or extension under subsection 1, the municipality undertaking the establishment or extension may enter upon, take and use such lands in such other municipality or municipalities or territory without municipal organization as may be necessary, and for that purpose has the same powers within such municipality or municipalities or territory as it has within its own municipality, and paragraph 84 of subsection 1 of section 354 of *The Municipal Act* does not apply.

Powers of municipality after approval

R.S.O. 1970,
c. 284

(4) The Commission may amend or vary any approval given under section 42 to an establishment or extension under subsection 1, but before so acting the Commission shall comply with the

Commission may vary approval

requirements of subsection 1 with respect to the holding of a public hearing and the giving of notice thereof. 1966, c. 108, s. 5, *part*.

Application
to Board

(5) Where the Commission has given its approval under section 42 to an establishment or extension under subsection 1, the municipality undertaking the establishment or extension, before proceeding therewith, may apply to the Board for an order,

R.S.O. 1970,
c. 409

(a) stopping up and closing any highway, road or road allowance, temporarily or permanently, for the purpose of allowing the establishment or extension to be carried on and vesting it in the municipality undertaking the establishment or extension, and providing for the opening of another highway, road or road allowance in lieu of the highway, road or road allowance so stopped up and closed, and subsection 2 of section 86 of *The Registry Act* does not apply;

(b) ordering that any building restrictions, covenants running with the land or any limitations placed upon the estate or interest of any person in any lands upon or through which it is proposed that the establishment or extension may be constructed shall be terminated and shall be no longer operative or binding upon or against any person, and directing that any such order be registered under *The Registry Act*; and

(c) fixing the compensation for lands taken or injuriously affected in the construction, maintenance or operation of the establishment or extension,

and notice of the application shall be given to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Board may direct. 1966, c. 108, s. 5, *part*; 1970, c. 124, s. 14 (2).

Registration
of order

(6) The registration of an order under clause *b* of subsection 5 is a bar to any action or proceeding taken by any person claiming any right or benefit under or by reason of any such restrictions, covenants, interests, estate or title in the lands described in the order.

Agreements
as to use

(7) Where sewage works of a municipality are established or extended in or into another municipality, the municipality in or into which the sewage works are established or extended may make an agreement with the owner of the sewage works for the connecting with and the use of the sewage works.

Application
by municipality

(8) Where a municipality in or into which sewage works are established or extended is unable to make an agreement under subsection 7, the Board, upon an application authorized by by-law of its council, may confer the right to make use of the

sewage works upon the applicant municipality and the inhabitants thereof whose properties may be conveniently served by the sewage works, and prescribe the terms and conditions of such use.

(9) Where an agreement is made under subsection 7 or an order is made under subsection 8, the municipality in or into which the sewage works are established or extended may assess, levy and collect as taxes the amounts to be paid under the agreement or order in the same manner and to the same extent as if the municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

Municipality may collect as taxes amounts agreed or ordered to be paid

(10) Subsections 1, 2 and 4 apply *mutatis mutandis* to a person who contemplates extending his sewage works from one municipality into another municipality or into territory without municipal organization. 1966, c. 108, s. 5, *part*.

Application of subss. 1, 2, 4 to person

(11) Where the Commission has given its approval under section 42 to an extension by a person of his sewage works from one municipality into another municipality or into territory without municipal organization the Board may, on application made by the person undertaking the extension, order the amendment of any by-law passed under paragraph 116 of subsection 1 of section 354 of *The Municipal Act* or any by-law passed under section 35 of *The Planning Act* or any official plan to permit the use of the land for the extension.

Application to Board

R.S.O. 1970, c. 284, 349

(12) The Board, as a condition of making an order under subsection 11, may impose such restrictions, limitations and conditions respecting the use of land for the extension of the sewage works, not inconsistent with the terms and conditions of the approval of the Commission given under section 42, as to the Board may appear necessary or expedient. 1970, c. 124, s. 14 (3).

Powers of Board

44.—(1) Where, in any municipality, the municipality or a person contemplates establishing or extending a sewage treatment works within the municipality, the Commission may, before giving its approval under section 42, hold a public hearing, in which case the Commission shall give at least ten days notice of the hearing to the clerk of the municipality and to such other persons and in such manner as the Commission may direct.

Establishment or extension within a municipality of sewage treatment works

(2) Any public hearing under subsection 1 may be held by any member of the Commission and he shall report thereon to the Commission.

Hearing

(3) The Commission may amend or vary any approval given under section 42 to an establishment or extension under subsection 1 and, before so acting, the Commission may hold a public hearing, in which case it shall give notice thereof in accordance with subsection 1. 1966, c. 108, s. 6.

Commission may vary approval

Application
to Board

(4) Where the Commission has given its approval under section 42 to an establishment or extension by a person of sewage treatment works within a municipality the Board may, on application by the person undertaking the establishment or extension, order the amendment of any by-law passed under paragraph 116 of subsection 1 of section 354 of *The Municipal Act* or any by-law passed under section 35 of *The Planning Act* or any official plan to permit the use of land for the establishment or extension.

R.S.O. 1970,
cc. 284, 349

Powers of
Board

(5) The Board, as a condition of making an order under subsection 4, may impose such restrictions, limitations and conditions respecting the use of land for the establishment or extension of the sewage treatment works not inconsistent with the terms and conditions of the approval of the Commission given under section 42, as to the Board may appear necessary or expedient. 1970, c. 124, s. 15.

Application
of s. 43,
subss. 11, 12,
and s. 44,
subss. 4, 5
to municipi-
pality

45. Subsections 11 and 12 of section 43 and subsections 4 and 5 of section 44 apply *mutatis mutandis* to a municipality that has obtained the approval of the Commission to the establishment or extension of its sewage works or to the establishment or extension of sewage treatment works. 1970, c. 124, s. 16.

Powers of
Board

46. The Board may inquire into, hear and determine any application by or on behalf of any municipality or person complaining that any municipality constructing, maintaining or operating sewage works or having the control thereof,

- (a) has failed to do any act, matter or thing required to be done by an Act or regulation, order or direction, or by any agreement entered into with the municipality; or
- (b) has done or is doing any such act, matter or thing improperly,

and that the same is causing deterioration, loss, injury or damage to property, and the Board may make any order, award or finding in respect of any such complaint as it considers just. R.S.O. 1960, c. 281, s. 33.

Right to
compensa-
tion

47. Where land is expropriated by a municipality for sewage works or is injuriously affected by the construction, maintenance or operation of sewage works by a municipality, *The Expropriations Act* applies. R.S.O. 1960, c. 281, s. 34 (1), *amended*.

R.S.O. 1970,
c. 154

Construction
or operation
of approved
sewage
works by
statutory
authority

48. Sewage works that are being or have been constructed, maintained or operated with the approval of the Department of Health or the Commission and in accordance with the terms and conditions imposed in any order, direction, report or regulation of the Department of Health or of the Commission, of the Minister of Health or of the Board under the authority of this Act or any

predecessor of any provision of this Act, so long as the sewage works are being so constructed or are so constructed, maintained or operated, shall be deemed to be under construction, constructed, maintained or operated by statutory authority. R.S.O. 1960, c. 281, s. 35.

49. The owner of sewage works shall whenever required by the Commission make returns to the Commission of such matters as may be required by the Commission, and any such owner who for the space of thirty days after being so required fails or neglects to make the returns required is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1960, c. 281, s. 36.

Returns by
owner to
Commission

50.—(1) Sewage works shall at all times be maintained, kept in repair and operated in such manner and with such facilities as may be directed from time to time by the Commission. R.S.O. 1960, c. 281, s. 37.

Sewage
works to
be kept in
repair

(2) Every person, except a municipality, who fails to comply with any direction given by the Commission under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such default continues. 1964, c. 86, s. 9.

Offence

51.—(1) Where the Commission reports in writing to the clerk of a municipality that it is of the opinion that it is necessary in the public interest that water works or sewage works or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent of the electors to any by-law for incurring a debt for any such purpose and the municipality shall forthwith do every act and thing in its power to implement the report of the Commission.

Duty to
maintain,
etc., works

(2) Every municipality that fails to do every act and thing in its power to implement a report made to it under subsection 1 forthwith after receipt of the report is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such default continues after receipt of the report. R.S.O. 1960, c. 281, s. 38.

Offence

(3) Where the municipality fails to do every act and thing in its power to implement a report made to it under subsection 1 forthwith after receipt of the report, the Commission, with the approval of the Board, may direct that whatever is necessary to implement the report be done at the expense of the municipality, and the Commission may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction, as a debt due to the Commission by such municipality. 1965, c. 91, s. 4.

Power of
Commission
to imple-
ment report

PROJECTS

Application
for water
or sewage
works

52.—(1) Any one or more municipalities may apply to the Commission for the provision of and operation by the Commission of water works or sewage works for the municipality or municipalities.

Duty of
Commission

(2) The Commission may thereupon furnish to such municipality or municipalities,

- (a) an estimate of the cost of the project and such other information as the Commission considers advisable;
- (b) a statement of the terms and conditions upon which the Commission will compete and operate the project; and
- (c) a form of agreement to be entered into between the municipality or municipalities and the Commission.

Power
to make
agreement

(3) The council of any municipality may by by-law authorize the municipality to enter into such an agreement with the Commission and, subject to the approval of the Lieutenant Governor in Council, the Commission may enter into any such agreement with any municipality or municipalities and, when such an agreement has been entered into, the parties thereto have all such powers as may be necessary to carry out the provisions thereof or of any undertaking given pursuant thereto. R.S.O. 1960, c. 281, s. 39 (1-3).

Assent of
electors not
required
R.S.O. 1970,
c. 284

(4) Notwithstanding *The Municipal Act* or any other Act, it is not necessary for the council of any municipality to obtain the assent of the electors to the passing of any such by-law or the entering into of any such agreement with the Commission. R.S.O. 1960, c. 281, s. 39 (4); 1961-62, c. 99, s. 11.

Commission
to act for
municipality
for approval
of Board

(5) Where a municipality that proposes to enter into an agreement with the Commission is required to obtain the approval of the Board with respect to any aspect of the proposed project, the application for such approval shall be made by the Commission on behalf of the municipality.

Term of
agreement

(6) Notwithstanding any other Act, every such agreement remains in force for such period as it may prescribe and in any event until all obligations to the Commission of the municipality or municipalities party or parties to the agreement have been discharged to the satisfaction of the Commission.

Agreement
binding on
local board

(7) Where a municipality has entered into an agreement with the Commission under this section, the agreement is binding on any commission or local board having the control and management of water works or sewage works, as the case may be, in the municipality.

Form of
agreement

(8) Any agreement under this section may be evidenced by one or more documents. R.S.O. 1960, c. 281, s. 39 (5-8).

53.—(1) Every municipality that has entered into an agreement with the Commission under section 52 shall pay to the Commission the following sums or, where such agreement is with more than one municipality, or where the project requires more than one agreement at least one of which is with a municipality, its share as adjusted by the Commission of the following sums:

Payments by municipalities to Commission under agreement

1. In each calendar year during the currency of such agreement, commencing with the calendar year in which occurs the date of completion of such project,

(a) the proportion payable by the municipality or municipalities party or parties to the project, as adjusted by the Commission, of the total amount of interest and expenses of debt service payable by the Commission in each such year in respect of all borrowings of the Commission from time to time outstanding and made by the Commission at any time before or after the making of such agreement for the purpose of meeting,

(i) the cost or estimated cost of all projects, except projects under agreements referred to in subsection 2, or

(ii) the cost or estimated cost of all projects referred to in subsection 2,

at any time theretofore or thereafter acquired, provided or constructed or in course of acquisition, provision or construction by the Commission pursuant to any agreement or agreements, or for any other purpose of the Commission respecting such projects, including the refunding or repayment in whole or in part of any such borrowings;

(b) the total cost to the Commission in each such year of the operation, supervision, maintenance, repair, administration and insurance of such project; and

(c) the total amount in each such year placed by the Commission to the credit of the reserve account referred to in subsection 1 of section 57 in respect of such project or an amount equal to $1\frac{1}{2}$ per cent of the cost of such project, whichever is less, and such additional amount as may be approved by the municipality or municipalities.

2. In each calendar year for such period of years as may be prescribed by such agreement, commencing not later than the fifth calendar year next following the date of completion of such project, such sum as would be necessary with interest compounded annually thereon at such rate as is prescribed by regulation by the

Commission to form at the expiry of such period of years a fund equal to the cost of such project. R.S.O. 1960, c. 281, s. 40 (1); 1965, c. 91, s. 5 (1); 1966, c. 108, s. 7; 1970, c. 124, s. 17.

Interest and
expenses of
debt service

(2) In respect of agreements under section 52 entered into after the 31st day of December, 1965, the interest and expenses of debt service payable by the Commission referred to in clause *a* of paragraph 1 of subsection 1 shall, in each year during the currency of the agreement, be the amount calculated by applying the average rate of such interest and expenses paid by the Commission to the Treasurer of Ontario in respect of the project. 1965, c. 91, s. 5 (2).

Annual
adjustment
of payments

(3) The Commission shall annually adjust and apportion among the respective municipalities the sums payable to the Commission by such municipalities under subsection 1.

Settlement
of disputes

(4) In the event of any dispute arising as to the adjustment or apportionment of any sums payable to the Commission by the respective municipalities under subsection 1, such dispute shall be referred to a sole arbitrator to be appointed by the Lieutenant Governor in Council, and the award of the arbitrator is final and binding on the Commission and the municipality or municipalities concerned.

Costs

(5) Such arbitrator shall be paid for his services such amount as may be directed by the Lieutenant Governor in Council and the whole costs of such arbitration shall be paid as directed by the arbitrator in his award.

R.S.O. 1970,
c. 286,
to apply

(6) Except as otherwise provided in this section, *The Municipal Arbitrations Act* applies to any arbitration under subsection 4. R.S.O. 1960, c. 281, s. 40 (2-5).

Sewer rates
and water
works rates

54.—(1) The council of a municipality that has entered into or proposes to enter into an agreement with the Commission under section 52 may by by-law, subject to the approval of the Board, provide for imposing upon owners or occupants of land who derive or will or may derive a benefit from the project a sewer rate or water works rate, as the case may be, sufficient to pay the whole or such portion as the by-law may specify of the annual payments to the Commission required to be made under clause *a* of paragraph 1 and paragraph 2 of subsection 1 of section 53 and, with the like approval, such by-law may from time to time be amended or repealed. R.S.O. 1960, c. 281, s. 41 (1).

Commuta-
tion of rates

(2) Where a by-law under subsection 1 imposes a sewer rate or water works rate upon owners or occupants of land, the council of the municipality may provide for commutation for a payment in cash of the whole or any part of the rate imposed and may prescribe the terms and conditions thereof. 1962-63, c. 99, s. 6.

(3) The council of a municipality that has entered into or proposes to enter into an agreement with the Commission under section 52 may by by-law provide for imposing upon owners or occupants of land from which sewage is received, treated or disposed of or to which water is supplied through or by the project a sewage service rate or water service rate, as the case may be, sufficient to pay the whole or such portion as the by-law may specify of the annual payments to the Commission required to be made under clauses *b* and *c* of paragraph 1 of subsection 1 of section 53.

(4) Subject to this section, section 362 of *The Municipal Act* applies *mutatis mutandis* to sewer rates and sewage service rates imposed under this section. R.S.O. 1960, c. 281, s. 41 (2, 3).

(5) Every water works rate or water service rate imposed under this section shall, in so far as is practicable and subject to this section, be imposed in the same manner and with and subject to the same provisions as apply to a water works rate or sewage service rate, respectively, under section 362 of *The Municipal Act*, and that section applies *mutatis mutandis* to the imposition of such rates. R.S.O. 1960, c. 281, s. 41 (4); 1966, c. 108, s. 8.

55. Where an agreement is made with a municipality for the provision of sewers under clause *d* of subsection 1 of section 17 or under section 52, the municipality may charge the owner of the premises for which a service drain is constructed the cost of construction of the service drain from the sewer to the line of the highway, together with interest thereon at a rate to be determined by the municipality, over such period of years as the municipality determines. 1970, c. 124, s. 18.

56.—(1) As soon as practicable in each calendar year, and in any event not later than the 15th day of February, the Commission shall estimate the respective amounts payable to the Commission in such calendar year by each of the municipalities having agreements with the Commission under section 52 and shall by its precept directed to each municipality require such municipality to pay to the Commission on the dates specified in the agreement the sums so payable by each municipality and the municipality shall make payment to the Commission accordingly, but in the calendar year in which occurs the date of completion of the project the estimate by the Commission may be made and the precept of the Commission may be delivered at any time in such year as the Commission may determine and the payment or payments by the municipality shall be made at such time or times as the Commission may require.

(2) At the end of each calendar year, the actual sums payable by each municipality to the Commission for such year for the purposes aforesaid shall be ascertained by the Commission and

the Commission shall inform the municipality of the amount owing to or by it and such amount shall be deducted from or added to the first payment to be made by the municipality in the next calendar year.

Delivery (3) The mailing by the Commission of the precepts by registered mail in envelopes addressed to the clerks of the respective municipalities constitutes delivery of the precepts to them. R.S.O. 1960, c. 281, s. 42 (1-3).

Prepayment (4) A municipality may pay and the Commission may accept,
(a) in advance of the time that it would otherwise be payable, any sum in respect of any sum mentioned in section 53; and
(b) any sum to reduce the cost of a project. 1966, c. 108, s. 9.

Municipalities may raise moneys for agreements (5) For the purpose of meeting the periodic payments to the Commission under an agreement, a municipality may raise money by any method or methods authorized by law or by any combination thereof as if the municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works. R.S.O. 1960, c. 281, s. 42 (6).

Reserve accounts **57.**—(1) The Commission may establish and maintain a reserve account in respect of each project under section 52,

- (a) to provide for renewals and replacements in respect of the project;
- (b) to provide for contingencies in respect of such project; and
- (c) to provide for capital expenditures for the improvement of the project in relation to its operation and appearance,

and may place to the credit of such reserve accounts, and expend, use, apply, utilize and appropriate therefrom for such purposes such amounts as may in the opinion of the Commission be sufficient therefor. R.S.O. 1960, c. 281, s. 43 (1); 1965, c. 91, s. 6.

When moneys may be expended in respect of another project (2) Notwithstanding subsection 1, where a reserve account has been established in respect of a project, the Commission may, in respect of any other project for the same municipality, expend, use, apply, utilize and appropriate therefrom such amounts as in the opinion of the Commission may be sufficient therefor for any of the purposes mentioned in clauses *a*, *b* and *c* of subsection 1. 1970, c. 124, s. 20.

Idem (3) The accounts of the Commission shall be kept so as to exhibit at all times the amounts placed by the Commission to the

credit of each reserve account, the interest credited thereon and the payments made by the Commission in respect thereof. R.S.O. 1960, c. 281, s. 43 (2).

(4) All amounts placed by the Commission to the credit of all reserve accounts under subsection 1 shall be deposited by the Commission as a consolidated fund in a chartered bank or Province of Ontario Savings Office to the credit of a special bank account to be called "Ontario Water Resources Commission Reserve Account" and the earnings in each year on the consolidated fund and on the investments thereof shall be allocated and credited by the Commission at the end of each year to each reserve account proportionately having regard to the respective balances from time to time remaining to the credit of the respective reserve accounts. R.S.O. 1960, c. 281, s. 43 (3); 1961-62, c. 99, s. 12.

O.W.R.C.
Reserve
Account

58.—(1) All moneys received by the Commission from all municipalities under paragraph 2 of subsection 1 of section 53 shall be deposited by the Commission as a consolidated fund in a chartered bank or Province of Ontario Savings Office to the credit of a special bank account to be called "Ontario Water Resources Commission Debt Retirement Account" and may be applied by the Commission to the purchase or redemption before maturity of debentures of the Commission or to the repayment in whole or in part of any debentures issued by the Commission, of any advances made by the Province to the Commission, of any debentures of the Commission issued and delivered to the Treasurer of Ontario in respect of such advances or of any other obligation, liability or indebtedness of the Commission, provided always that the moneys paid by any municipality and deposited in the Commission Debt Retirement Account in respect of any project shall be retained in the Commission Debt Retirement Account and kept invested until the expiration of the period of years during which payments are required to be made by such municipality in respect of such project under paragraph 2 of subsection 1 of section 53. R.S.O. 1960, c. 281, s. 44 (1); 1961-62, c. 99, s. 13.

O.W.R.C.
Debt
Retirement
Account

(2) The earnings in each year on the consolidated fund and on the investments thereof shall be allocated and credited by the Commission at the end of each year to the respective projects proportionately having regard to the respective balances in the fund from time to time attributable to such projects and the accounts of the Commission shall be kept so as to exhibit at all times the amounts received under paragraph 2 of subsection 1 of section 53 in respect of such projects and the earnings allocated and credited thereto.

Idem

(3) If at any time the amount in the consolidated fund in cash or in investments attributable to any project is, in the opinion of

Discontinu-
ance of
further
payments

the Commission, sufficient with the further estimated interest thereon to form at the expiration of the period of years referred to in paragraph 2 of subsection 1 of section 53 a fund equal to the cost of the project, the Commission, subject to subsection 4 of this section, may authorize the municipality or municipalities with whom the Commission has an agreement in respect of such project to discontinue any further payments under paragraph 2 of subsection 1 of section 53.

Excess or
deficiency

(4) If at the expiration of such period of years the amount in the consolidated fund in cash or in investments attributable to any project,

- (a) is in excess of the cost of the project, the Commission shall within one year thereafter repay to such municipality or municipalities the amount of such excess; or
 - (b) is less than the cost of the project, the municipality or municipalities shall, within one year thereafter, pay to the Commission the amount of such deficiency.
- R.S.O. 1960, c. 281, s. 44 (2-4).

Discharge of
indebtedness
to Province

(5) Notwithstanding any other provision of this Act, the Commission may at any time, with the consent of the Treasurer of Ontario, pay any sum out of the Commission Debt Retirement Account to the Province in payment or part payment of any sums owing to the Province by the Commission so long as the total amount so paid in any year does not exceed the total amount borrowed by the Commission from the Province in that year. R.S.O. 1960, c. 281, s. 44 (2-5).

Investment
committee

59.—(1) The moneys from time to time in the Commission Reserve Account and in the Commission Debt Retirement Account shall be invested by an investment committee composed of not fewer than two and not more than four persons appointed by the Lieutenant Governor in Council, any of whom may be paid out of the funds of the Commission such remuneration as the Lieutenant Governor in Council may determine. R.S.O. 1960, c. 281, s. 45 (1); 1965, c. 91, s. 7 (1).

Security

(2) Each member of the investment committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for any paying over all moneys and securities that come into his hands, such security to be given in such form and manner and in such amount as the Treasurer of Ontario may approve. R.S.O. 1960, c. 281, s. 45 (2).

Officers

(3) The members of the investment committee may appoint a chairman and a vice-chairman from among their number and the Commission shall appoint a secretary for the investment committee. 1960-61, c. 71, s. 4.

(4) Two members of the investment committee constitute a Quorum quorum. 1965, c. 91, s. 7 (2).

(5) The Commission Reserve Account and the Commission Jurisdiction Debt Retirement Account and the securities in which the moneys therein may from time to time be invested shall be under the sole control and management of the investment committee and all cheques on the Commission Reserve Account and the Commission Debt Retirement Account shall be signed by any two members of the investment committee.

(6) The investment committee shall invest and keep invested Duties all moneys in the Commission Reserve Account and in the Commission Debt Retirement Account and may at any time vary or dispose of any such investments, and all earnings on investments and all receipts from the sale or maturity of investments shall be deposited in the respective Accounts.

(7) The moneys in the Commission Reserve Account and in Powers the Commission Debt Retirement Account may be invested in any manner permitted for the investment of the funds of the Commission under section 24 or in time-deposit accounts in any chartered bank of Canada in either Canadian or United States dollars, and the moneys in the Commission Debt Retirement Account may also be invested in debentures of the Commission, but, if any such moneys are used to purchase or redeem debentures issued by the Commission before the maturity thereof, the debentures so purchased or redeemed shall not be cancelled but shall be retained as investments and shall continue to bear interest until maturity.

(8) Upon the written request of the Commission under its Requisition of money corporate seal and the hands of its chairman or vice-chairman and secretary stating that a sum of money is required by the Commission for a purpose mentioned in section 57 or 58, the investment committee shall pay such sum to the Commission out of the Commission Reserve Account or the Commission Debt Retirement Account, as the case may be, and the receipt of the secretary of the Commission for such moneys is sufficient discharge to the investment committee for such payment and the investment committee shall not be held responsible for the application of such moneys.

(9) All expenses and disbursements of the investment committee Expenses shall be paid by the Commission. R.S.O. 1960, c. 281, s. 45 (5-9).

(10) All securities or investments at any time acquired by the investment committee shall be deposited with the Treasurer of Custody of securities Ontario and kept in the custody of such officer of the Department of Treasury and Economics as may be designated by the

Treasurer of Ontario for the purpose, and no such securities shall be released from such custody except upon the written request of any two members of the investment committee. R.S.O. 1960, c. 281, s. 45 (10), *amended*.

Discretion
absolute

(11) The investment committee have absolute and uncontrolled discretion in the exercise of their powers and the discharge of their duties and in the absence of fraud are not responsible for any loss, costs, damages or inconvenience that may result, and are not to be held responsible for any loss that may be occasioned by reason of any investment made by them. R.S.O. 1960, c. 281, s. 45 (11).

Annual
payments
to municipi-
palities in
lieu of taxes
R.S.O. 1970,
c. 32

60. For the purposes of section 35 of *The Assessment Act*, the Commission, with respect to any project in a city, town, village or township, shall be deemed a commission under clause *a* of subsection 1 of that section and the project shall be deemed a public utility under clause *b* of subsection 1 of that section. R.S.O. 1960, c. 281, s. 46.

PUBLIC WATER OR SEWAGE SERVICE AREA

Interpre-
tation

61.—(1) In this section,

- (a) “sewage service” means the acceptance, collection, transmission, storage, treatment and disposal of sewage, or any one or more of them;
- (b) “water service” means the taking, collection, production, treatment, storage, supply, transmission, distribution, sale, purchase and use of water, or any one or more of them.

Area of
public water
or sewage
service

(2) Notwithstanding any general or special Act or any regulation or order made thereunder, where, in the opinion of the Commission, it is in the public interest to do so, the Commission may, with the approval of the Minister, make an order defining and designating an area as an area of public water service or an area of public sewage service, and, by order from time to time, for the purpose of controlling, regulating, prohibiting, requiring or providing water service or sewage service in the area, may,

- (a) impose such terms and conditions in the area as the Commission considers necessary;
- (b) require that any contract with respect to water service or sewage service in the area be terminated or amended in accordance with the order; and
- (c) fix and impose rates or charges upon any municipality or person in the area for the provision by the Commission of water service or sewage service to the municipality or person.

(3) Where an order is made by the Commission requiring that any contract be terminated or amended, such contract shall be deemed to be terminated and no longer operative or binding upon or against any municipality or person or shall be deemed to be amended, as the case may be, in accordance with the order. Termination or amendment of contracts

(4) The Commission shall, before making an order under subsection 2, hold a public hearing and give at least twenty-one days notice of the hearing to the clerk of such municipality or municipalities and to such person or persons and in such manner as the Commission may direct. Hearing

(5) The Commission may amend the terms and conditions in any order, and, with the approval of the Minister, may amend the definition or designation of an area in any order, but, before amending the definition or designation of an area, the Commission shall comply with the requirements of subsection 4 with respect to the holding of a hearing and the giving of notice thereof. Amending order

(6) Any public hearing required by this section shall be held by not fewer than two members of the Commission, and they shall report thereon to the Commission. Hearing before two members

(7) A copy of an order of the Commission made under this section shall be sent by the secretary of the Commission by registered mail to the clerk of every municipality and to every person named in the order, and to such other persons as the Commission may direct. Copies of order

(8) Upon the petition of,

- (a) any municipality affected by an order under this section;
- (b) any person who is a party to a contract terminated or amended by an order under this section; or
- (c) any owner or occupant of land in an area of public water service or an area of public sewage service who is affected by an order under this section in a different manner and to a different extent than all other owners or occupants of land in the area,

Petition re definition of area

filed with the clerk of the Executive Council within twenty-eight days after the mailing of copies of the order under subsection 7, the Lieutenant Governor in Council may confirm, vary or rescind the definition or designation of the area in the order, and such confirmation, variation or rescission is binding upon the Commission and such municipality, person, owner or occupant.

(9) Where a contract is terminated or amended by an order under this section, the Commission shall make due compensation to any municipality or person named in the contract as a party Compensation

thereto for any damage necessarily resulting from the termination or amendment of the contract, as the case may be, beyond any advantage that it or he may derive from water service or sewage service provided under the order.

Determina-
tion of com-
pensation

R.S.O. 1970,
c. 323

(10) Subject to this section, a claim for compensation, if not agreed upon by the Commission and the municipality or person making the claim, shall be determined by the Board and not otherwise, and *The Ontario Municipal Board Act*, except section 94, applies as far as is practicable to every such claim.

Municipality may
raise money
for pay-
ments under
order

(11) For the purpose of meeting periodic payments to the Commission under an order made under this section, a municipality may raise money by any method or methods authorized by law or by any combination thereof as if the municipality itself were proposing to construct, were constructing or had constructed water works or sewage works or were operating and maintaining water works or sewage works.

Rates in
defined
area

(12) For the purpose of meeting periodic payments to the Commission under an order made under this section, a municipality may, with the approval of the Board, by by-law define an area that in the opinion of the council of the municipality will derive a benefit from the water service or sewage service provided under the order and may impose a rate or charge upon the owners or occupants of all land in such defined area.

Offence

(13) Every municipality or person who contravenes any order made under this section is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such contravention continues.

Petition
re rates
and charges

(14) Upon the petition of any municipality or person required to pay a rate or charge imposed by an order under this section, filed with the clerk of the Executive Council within twenty-eight days after the mailing of copies of the order under subsection 7, the Lieutenant Governor in Council may confirm, vary or rescind such rate or charge or may refer the petition to the Board or to such person or persons as the Lieutenant Governor in Council may designate, and the Board or such person or persons may confirm, vary or rescind such rate or charge, and any order made by the Lieutenant Governor in Council or the Board or such person or persons with respect thereto is binding upon the Commission and the municipality and person required to pay such rate or charge. 1966, c. 108, s. 10, *part*.

REGULATIONS

Regulations

62.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations,

(a) regulating and controlling the location, construction, repair, removal or alteration of mains, service pipes,

- valves, hydrants and all other works in or upon public property that form part of or are connected with water works;
- (b) regulating and controlling the manner in which the service pipes of users of water shall be connected with the mains of the water works supplying the water;
 - (c) regulating and controlling the location, construction, repair, removal or alteration of sewers, drain pipes, manholes, gully traps and all other works in or upon public property that form part of or are connected with sewage works;
 - (d) regulating and controlling the manner in which building sewers shall be connected with sewage works; R.S.O. 1960, c. 281, s. 47 (1), cls. (a-d).
 - (e) prescribing the rate of interest for the purpose of paragraph 2 of subsection 1 of section 53; 1970, c. 124, s. 21 (1), *part*.
 - (f) regulating and controlling the location, construction, repair, renewal or alteration of plumbing and the material to be used in the construction thereof, and requiring municipalities to carry out such inspections with respect to plumbing as may be prescribed;
 - (g) adopting by reference, in whole or in part, with such changes as the Commission considers necessary, the standards made or adopted by the Canadian Standards Association respecting pipes, fittings, fixtures and materials used in plumbing, and providing for the testing and marking of such pipes, fittings, fixtures and materials or any class or classes thereof by the Canadian Standards Association and prohibiting the use in plumbing of such pipes, fittings, fixtures and materials that are not marked as approved by the Canadian Standards Association;
 - (h) defining plumbing for the purposes of the regulations; 1966, c. 108, s. 11 (1).
 - (i) regulating and controlling the content of sewage entering sewage works. R.S.O. 1960, c. 281, s. 47 (1), cl. (f).
 - (j) classifying persons who operate sewage works and requiring and providing for the licensing of sewage work operators or any class or classes thereof, and prescribing the qualifications of persons to whom licences may be issued, and prescribing and charging fees for such licences, and providing for the revocation and suspension of licences; 1970, c. 124, s. 21 (1), *part*.
 - (k) prescribing standards of quality for potable and other water supplies, sewage and industrial waste effluents,

- receiving streams and water courses; R.S.O. 1960, c. 281, s. 47 (1), cl. (g).
- (l) specifying any matter or substance as sewage for the purposes of any section or sections of this Act or of any regulation made thereunder; 1970, c. 124, s. 21 (1), *part.*
 - (m) prescribing operating standards for water works or sewage works; R.S.O. 1960, c. 281, s. 47 (1), cl. (h).
 - (n) requiring and regulating the storage, treatment and disposal of sewage in boats and ships or any class or classes thereof and the equipment therefor, and prohibiting the use and installation of equipment for the storage, treatment or disposal of sewage in boats and ships or any class or classes thereof unless the equipment and installation thereof conform to the regulations, and providing for and requiring the approval of the Commission for any such equipment, and prohibiting and regulating the discharge of sewage from such boats and ships or any class or classes thereof; 1966, c. 108, s. 11 (2).
 - (o) regulating and controlling, for the purpose of preventing or reducing the pollution of any body of water or watercourse, places or any class or classes thereof located on or adjacent to any body of water or watercourse where moorings are provided for boats or ships or where any services are provided for boats or ships or the occupants thereof, and regulating and governing persons providing such moorings or services, or any class or classes thereof;
 - (p) defining sewage for the purposes of regulations made under clauses *n* and *o*;
 - (q) designating areas within which wells or holes may not be made for the purpose of obtaining water, except by digging, without a permit issued by the Commission; 1964, c. 86, s. 10 (1), *part.*
 - (r) regulating and controlling the location, spacing, boring and drilling of water wells, the construction and materials used in the construction, alteration or repair of water wells, the pumps and other equipment used in connection with water wells, the use of water wells, the abandonment of water wells, the cleansing and disinfecting of water wells, prescribing the records and the form of the records with respect to water wells that shall be kept by the owners thereof and defining "owner" for the purpose of this clause; R.S.O. 1960, c. 281, s. 47 (1), cl. (i).

- (s) requiring and providing for the licensing of persons who operate equipment for the boring or drilling of wells for water and prescribing the qualifications of persons to whom licences may be issued, and prescribing and charging fees for such licences, and providing for the revocation and suspension of licences; 1966, c. 108, s. 11 (3).
- (t) prescribing the forms required for the purposes of section 40 and the fees for licences authorized thereby and for the renewal of such licences, and prescribing the terms and conditions upon which such licences may be issued; R.S.O. 1960, c. 281, s. 47 (1), cl. (j).
- (u) exempting any person or any substance or quantity or concentration thereof from subsection 1 of section 38; 1961-62, c. 99, s. 14 (1).
- (v) regulating and controlling the use of water from any source of supply. R.S.O. 1960, c. 281, s. 47 (1), cl. (k).
- (w) exempting any sewage works or any class or type thereof from section 42 and any water works or any class or type thereof from subsections 1 and 3 of section 41; 1961-62, c. 99, s. 14 (2).
- (x) providing for a grievance board and prescribing its jurisdiction, powers and duties, including any powers that may be conferred upon a commission under *The Public Inquiries Act*, designating the classes of its employees that may grieve, and prescribing the procedures to be followed for hearing and dealing with grievances; 1962-63, c. 99, s. 7 (1). R.S.O. 1970,
c. 379
- (y) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 281, s. 47 (1), cl. (l).

(2) The application of any regulation made under this section may be general or may be limited territorially or as to time or otherwise. R.S.O. 1960, c. 281, s. 47 (2). Application
of
regulations

(3) Every municipality or person who contravenes any regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$1,000. 1970, c. 124, s. 21 (2). Offence

63.—(1) Where a local municipality undertakes to carry out inspections with respect to plumbing as prescribed by regulations made under section 62, the local municipality and the local board of health of the municipality or, where a local board of a health unit has jurisdiction in the municipality, the local board of the health unit may enter into agreements providing that the local Plumbing
inspection,
by local
municipality
or local
board of
health

board shall carry out such inspections upon such terms and conditions as may be agreed upon.

by county
or health
unit

(2) Where a county council by a two-thirds vote provides that such inspections shall be carried out by the county, such inspections shall be carried out in the municipalities that form part of the county for municipal purposes only by the county, provided that, where there is a health unit in the county, the county and the local board of the health unit may enter into agreements providing that the board shall carry out such inspections upon such terms and conditions as may be agreed upon.

by county
and health
unit

(3) Where a county and a local board of a health unit have entered into an agreement under subsection 2 and the local board does not have jurisdiction in all of the municipalities that form part of the county for municipal purposes, the county shall carry out such inspections in the municipalities that do not form part of the health unit. 1961-62, c. 99, s. 15, *part*.

Plumbing
inspection
by-laws

64.—(1) Where a local municipality, a county or a local board of health or the local board of a health unit undertakes under section 63 or the regulations made under section 62 or under an agreement to inspect plumbing, the municipality or local board, as the case may be, may pass by-laws,

- (a) providing for such inspections and for appointing one or more inspectors for such purpose;
- (b) for charging fees for such inspections and fixing the amounts thereof;
- (c) for requiring the production of plans of plumbing that is to be constructed, repaired, renewed or altered and of the location of drains, pipes, traps and other works or appliances that are or are to be part of or connected with the plumbing, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and requiring that without such permit no such plumbing may be constructed, repaired, renewed or altered;
- (d) for prohibiting the use of such plumbing until it has been inspected and found to conform to the regulations made under clause *f* of subsection 1 of section 62. 1961-62, c. 99, s. 15, *part*.

Penalties
R.S.O. 1970,
c. 284

(2) Subject to section 72, Part XXI of *The Municipal Act* applies *mutatis mutandis* to by-laws passed under this section. 1961-62, c. 99, s. 15, *part*; 1970, c. 124, s. 22 (1).

Inspector
may enter
premises

(3) An inspector may at all reasonable hours enter any premises to inspect plumbing to which the regulations made under section 62 are applicable, and every person who prevents or

obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. 1961-62, c. 99, s. 15, *part*.

65.—(1) In this section, “owner” includes the person for the time being managing or receiving the rent of or paying the municipal taxes on the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let. Interpre-
tation

(2) Where a person has been convicted of constructing, repairing, renewing or altering plumbing in a manner that does not conform to the regulations made under section 62 and the time for appealing such conviction has elapsed and no appeal from such conviction is pending, the municipality or local board responsible for inspecting such plumbing may, by notice sent by registered mail to the owner of the land and premises in which the plumbing is located, require him to make the plumbing conform to such regulations within such period as may be stated in the notice. Owner may
be required
to make
plumbing
conform
to code

(3) The notice shall specify wherein the plumbing does not conform to the regulations and that, if it is not made to conform within the period stated in the notice, the work may be done by the municipality or local board in accordance with subsection 4. Notice

(4) If the owner of the land and premises does not comply with the notice, the municipality or local board that sent the notice may, at the expense of the owner, make the plumbing conform to the regulations, and for that purpose its servants and agents may from time to time enter upon the land and premises. Work may
be done by
municipality

(5) The municipality or local board that caused the work to be done to make the plumbing conform has a lien for the amount expended by it or on its behalf together with interest at the rate of 6 per cent per annum upon the land and premises in which the plumbing is located, and the municipality or local board may direct that such amount with interest be added to the collector’s roll of the local municipality in which the land and premises are situated and collected in like manner as municipal real property taxes and paid over to the municipality or local board, as the case may be. 1961-62, c. 99, s. 15, *part*. Collection
of expenses

66. Notwithstanding any general or special Act, no provision of a by-law of a municipality, heretofore or hereafter passed, with respect to any matter that may be dealt with by regulation under clauses *f*, *g* and *h* of subsection 1 of section 62 has any force or effect. 1966, c. 108, s. 12. Plumbing
provisions
in by-laws

MISCELLANEOUS

67. An information in respect of any contravention of this Act may be for one or more offences and no information, summons, Multiple
informations

warrant, conviction or other proceeding in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. R.S.O. 1960, c. 281, s. 48.

Certificate
of analyst
as evidence

68. In any prosecution under this Act or the regulations or in any proceeding in the Supreme Court under this Act, the production of a certificate or report of an analyst of the Commission as to the analysis, ingredients or quality of any water or of any material, whether liquid, gaseous or solid or of any combination thereof, is *prima facie* evidence of the facts stated therein and of the authority of the person making the certificate or report without any proof of appointment or signature. R.S.O. 1960, c. 281, s. 49.

Sewage
disposal

69.—(1) If an industrial or commercial enterprise makes arrangements for the collection, transmission, treatment or disposal of sewage that are considered unsatisfactory by the Commission, or makes no arrangements for the collection, transmission, treatment or disposal of sewage, the Commission, with the approval of the Minister, may require such industrial or commercial enterprise,

(a) to make investigations and submit reports to the Commission in respect of the collection, transmission, treatment or disposal of sewage;

(b) to install, construct or arrange such facilities for the collection, transmission, treatment or disposal of sewage; and

(c) to maintain, keep in repair and operate such facilities,

as may be directed from time to time by the Commission.

Offence

(2) Every industrial or commercial enterprise that contravenes a direction or requirement of the Commission under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day the contravention continues. 1965, c. 91, s. 8.

Discharge
of sewage
into sewage
works

70.—(1) Where the discharge or deposit of sewage into a sewage works, in the opinion of the Commission, may interfere with the proper operation of a sewage works, the Commission may, by notice served on or sent to the municipality that or the person who discharges or deposits or causes or permits the discharge or deposit of sewage, require the municipality or person to stop or regulate such discharge or deposit or to take such measures in relation thereto in such manner and within such time as the notice may require.

Offence

(2) Every municipality that or person who contravenes a notice under subsection 1 is guilty of an offence and on summary

conviction is liable to a fine of not more than \$200 for every day upon which the contravention continues. 1966, c. 108, s. 13.

71.—(1) Notwithstanding *The Crown Agency Act*, where a sewage works is constructed with the assistance of a loan made under Part VI B of the *National Housing Act, 1954* (Canada), the Commission, in addition to exercising its powers as an agent of Her Majesty, may exercise its powers under this Act in connection with such sewage works as an agent of one or more municipalities. 1960-61, c. 71, s. 7.

Commission
as agent for
municipali-
ties
R.S.O. 1970,
c. 100
1953-54,
c. 23 (Can.)

(2) Subsection 1 does not apply in respect of any of such sewage works constructed under an agreement entered into after the 1st day of September, 1964. 1970, c. 124, s. 23.

Application
to certain
sewage
works

72. Proceedings to enforce any provision of this Act or of any regulation made under this Act or of any by-law passed under clause *c* or *d* of subsection 1 of section 64 may be instituted within one year after the time when the subject-matter of the proceedings arose. 1964, c. 86, s. 11, *part*; 1970, c. 124, s. 24.

Proceedings
to enforce
provisions
of Act and
regulations

73. Where the Commission or an officer to whom power has been delegated by the Commission under section 9 has authority to direct or require that any matter or thing be done, the Commission or such officer may direct that, in default of its being done by the municipality or person directed or required to do it, such matter or thing shall be done at the expense of such municipality or person, and the Commission may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Commission by such municipality or person. 1964, c. 86, s. 11, *part*; 1970, c. 124, s. 25.

Enforcing
performance
of things
required to
be done by
Commission

74. Where any provision of this Act or any regulation made thereunder or any direction, order, approval, notice or permit, made, granted, given, served or issued by the Commission under this Act is contravened, in addition to any other remedy and to any penalty imposed by law, such contravention may be restrained by action at the instance of the Commission. 1964, c. 86, s. 11, *part*.

Power to
restrain
by action

75. Upon the issuance or alteration of a permit or the giving of approval by the Commission under this Act, there shall be paid to the Commission such fees as the Commission may determine, in each case having regard amongst other things to the time occupied by the Commission and its employees in respect of such issuance, alteration or approval, and the terms and conditions in respect thereof. 1965, c. 91, s. 9, *part*.

Fees for
approval

Fees for
copies

76. The Commission may charge and collect such fees as it considers proper for all copies of documents, maps, plans or drawings supplied by the Commission. 1965, c. 91, s. 9, *part*.

False
information

77. Every person who gives false information in any application, return or statement made to the Commission in respect of any matter under this Act or the regulations made under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. 1965, c. 91, s. 9, *part*.

Recovery of
moneys
owing to
Commission

78. Any amount due and payable by a municipality or a person to the Commission under any agreement or otherwise, together with all interest and expenses of debt service, if any, payable by the Commission to the Treasurer of Ontario with respect to such amount may be recovered with costs in a court of competent jurisdiction as a debt due to the Commission by the municipality or person. 1970, c. 124, s. 26.

CHAPTER 333

The Operating Engineers Act**1. In this Act,**Interpre-
tation

1. “Board” means the Board of Examiners appointed for the purposes of this Act;
2. “boiler” means a pressure vessel that may be used at greater than atmospheric pressure,
 - i. to generate or heat steam, or
 - ii. to heat water to a temperature less than its boiling point at the maximum pressure within the vessel,and includes any pipe, fitting and other equipment attached thereto or used in connection therewith;
3. “brake horsepower” means the effective or useful horsepower developed by a prime mover as measured by a weigh scale and a brake applied to its driving shaft or by other means approved by the chief officer, and one brake horsepower is equivalent to 2,544 British thermal units per hour or to 0.02544 Therm-hours;
4. “certificate of qualification” means a subsisting certificate of qualification issued under this Act to an operating engineer or an operator;
5. “certificate of registration” means a subsisting certificate of registration issued under this Act for a plant;
6. “chief operating engineer” means an operating engineer who at all times has charge of and the responsibility for the safe operation of a plant, and has such other powers and duties respecting the plant and persons therein as are prescribed in this Act and the regulations;
7. “chief operator” means an operator or an operating engineer who at all times has charge of and the responsibility for the safe operation of a compressor plant or a refrigeration plant, and has such other powers and duties respecting the plant and persons therein as are prescribed in this Act and the regulations;
8. “compressor plant” means an installation comprised of one or more compressors with prime movers and the equipment used in connection therewith for compres-

sing but not liquefying air or any other gas to a pressure of more than 15 where the total Therm-hour rating of all such prime movers is more than 1.908;

9. "hoisting plant" means a hoist equipped with,
i. a drum and a hoisting rope or chain, or
ii. a hydraulic pump,

that is driven by a prime mover or movers other than steam and that is used for raising, lowering or swinging material where the total Therm-hour rating of the prime mover or movers is,

- iii. more than 1.137 for internal combustion engines, or
iv. 0.636 for other types of prime movers;
10. "inspector" means an inspector appointed for the purposes of this Act;
11. "low-pressure stationary plant" means an installation comprised of one or more boilers,
i. containing steam at a pressure of 15 or less, or
ii. containing water at a temperature at any boiler outlet of more than 212°F. and up to and including 250°F.,

and in addition a low-pressure stationary plant may have one or more compressors and one or more refrigeration compressors, and the total Therm-hour rating of all such boilers and compressors is more than 50;

12. "Minister" means the Minister of Labour;
13. "operating engineer" or "operator" means a person who is the holder of a certificate of qualification;
14. "plant" means a stationary power-plant, low-pressure stationary plant, steam-powered plant, compressor plant, refrigeration plant or any combination thereof, or a hoisting plant, steam hoisting plant, a portable compressor plant or a temporary heating plant;
15. "pressure" means pressure in pounds per square inch above normal atmospheric pressure;
16. "pressure vessel" means a vessel that is heated or its contents are heated by,
i. a flame or the hot gases of combustion,
ii. electricity,
iii. a liquid, or
iv. nuclear energy, either directly or indirectly;

17. "prime mover" means an initial source of motive power, and includes an electric motor, an internal combustion engine, a steam engine, a steam turbine and a gas turbine;
18. "refrigerant" means a substance that may be used to produce refrigeration by its expansion or evaporation;
19. "refrigeration plant" means an installation comprised of one or more refrigeration compressors with prime movers and the equipment used in connection therewith for compressing, liquefying at a pressure of more than 15 and evaporating a refrigerant where the total Therm-hour rating of all such prime movers is more than 1.272;
20. "regulations" means the regulations made under this Act;
21. "shift engineer" means an operating engineer who has charge of and operates a plant under the direction and supervision of a chief operating engineer and who has the authority to perform the powers and duties of the chief operating engineer when the chief operating engineer is absent from the plant;
22. "shift operator" means an operator or operating engineer who has charge of and operates a compressor or refrigeration plant under the direction and supervision of a chief operator or a chief operating engineer and who has the authority to perform the powers and duties of the chief operator or the chief operating engineer when the chief operator or the chief operating engineer is absent from the plant;
23. "stationary power plant" means an installation comprised of one or more boilers,
 - i. containing steam at a pressure of more than 15, or
 - ii. containing water at a temperature at any boiler outlet of more than 250°F.,and in addition a stationary power plant may have,
 - iii. one or more boilers containing steam at a pressure of 15 or less or water at a temperature at any boiler outlet of more than 212°F. and up to and including 250°F., and
 - iv. one or more compressors or refrigeration compressors,and the total Therm-hour rating of all such boilers and compressors is more than 17;

24. "steam hoisting plant" means a hoist equipped with a drum and a hoisting rope or chain that is driven by a steam-driven prime mover and used for raising, lowering or swinging material;
25. "steam-powered plant" means a turbine or engine having a Therm-hour rating of more than 3.816 driven by steam,
 - i. from a boiler that is not owned by or under the control of the user of the turbine or engine, or
 - ii. from another plant of the user of the turbine or engine;
26. "temporary heating plant" means one or more boilers, with or without compressors, that supply heat to a project as defined in *The Construction Safety Act* or to a shaft, tunnel, caisson or coffer dam to which the regulations made under subsection 1 of section 11 of *The Department of Labour Act* apply and that operates at a pressure,
 - i. of not more than 15 and has a total Therm-hour rating of more than 50, or
 - ii. of more than 15 and has a total Therm-hour rating of more than 17;
27. "Therm-hour" means 100,000 British thermal units per hour or 39.3082 brake horsepower;
28. "Therm-hour rating" means the Therm-hour rating of a plant as determined under this Act or the regulations;
29. "user" means the person in control of a plant as owner, lessee or otherwise, but does not include its operating engineer or operator as such. 1965, c. 92, s. 1.

R.S.O. 1970,
c. 81

R.S.O. 1970,
c. 117

Exemptions

2. This Act does not apply to,

- (a) a person who performs work in connection with a plant other than the actual operation of it;
- (b) a person, other than an operating engineer or operator, engaged in installing, testing or repairing a plant;
- (c) an elevator or lift as defined in *The Elevators and Lifts Act*;
- (d) a shaft hoist or other hoist used in mining within the meaning of *The Mining Act*;
- (e) an overhead bridge-type crane that is not equipped with a boiler and that operates on a fixed runway;
- (f) a plant that is subject to inspection by the Canadian Transport Commission or The Energy Board of Canada;

R.S.O. 1970,
c. 143

R.S.O. 1970,
c. 274

- (g) any boiler used in connection with an open-type hot water heating system where there are no intervening valves between the boiler and any direct vent to the atmosphere;
- (h) a stationary power plant or low-pressure stationary plant while used in connection with any growing operation except a growing operation being carried on in a greenhouse where any person, other than the user of the plant or his immediate family, is employed or works in connection with the growing operation;
- (i) a hoisting device,
 - (i) that is used exclusively for raising, lowering or towing motor vehicles,
 - (ii) that is mounted on a motor vehicle used exclusively for fire fighting,
 - (iii) that is mounted on a motor vehicle and used exclusively for loading or unloading materials carried by the motor vehicle, or
 - (iv) of a class that is exempted by the regulations;
- (j) a compressor that, in the opinion of the chief officer, is situated in a remote area to which a person does not normally have access, and that is controlled automatically or by remote manual control;
- (k) a compressor or refrigeration compressor that operates at a pressure of 15 or less;
- (l) a compressor installation with a prime mover having a Therm-hour rating of 1.145 or less;
- (m) a refrigeration compressor installation with a prime mover having a Therm-hour rating of 0.7632 or less;
- (n) a compressor of a class that is exempted by the regulations;
- (o) a boiler installation containing steam at a pressure of 15 or less or water at a temperature at any boiler outlet of 250°F. or less, and having a Therm-hour rating of 10 or less;
- (p) a boiler installation containing steam at a pressure of more than 15 or water at a temperature at any boiler outlet of more than 250°F., and having a Therm-hour rating of 5 or less. 1965, c. 92, s. 2; 1970, c. 27, s. 1, *amended*.

3.—(1) There shall be appointed a chief officer, three or more examiners and such inspectors as are necessary to administer and enforce this Act and the regulations, and such persons shall be subject to the direction and control of the Minister.

Chief
officer,
examiners
and
inspectors

Powers of inspection

(2) The chief officer, an inspector or any person authorized in writing by the Minister may enter and inspect any building or premises where he has reason to believe a plant is being installed or operated. 1965, c. 92, s. 3.

Board of Examiners

4.—(1) There shall be a Board of Examiners composed of the chief officer and the examiners mentioned in section 3, one of whom may be appointed as chairman.

Quorum

(2) A majority of the members of the Board constitutes a quorum whether or not a vacancy exists on the Board. 1965, c. 92, s. 4.

Information

5.—(1) The chief officer may, for the purposes of this Act, require a user or a manufacturer of a boiler or prime mover,

(a) to furnish him with information; or

(b) to perform tests to establish the proper Therm-hour rating of a boiler or prime mover.

Rating by actual test

(2) Where a test to establish the Therm-hour rating is performed under clause *b* of subsection 1 in a manner satisfactory to the chief officer, the rating as established by the test is the Therm-hour rating, notwithstanding sections 11, 12 and 13. 1965, c. 92, s. 5.

Registration of plants

6.—(1) Every user of a plant shall, before operating it, register it with the chief officer.

Idem

(2) Where two or more plants of a user are located on the same premises, such plants shall, unless the chief officer determines otherwise, be registered as one plant. 1965, c. 92, s. 6.

Certificates of registration and registration plates

7.—(1) The chief officer, upon application in the prescribed form and upon payment of the prescribed fee, shall issue to the user of a plant a certificate of registration or a registration plate, as the case requires.

Contents of certificates of registration

(2) Every certificate of registration shall show,

(a) the registration number;

(b) the name of the user of the plant;

(c) the Therm-hour rating of the plant;

(d) the maximum pressures at which the safety valves on boilers, compressors or refrigeration compressors are respectively set to relieve pressure; and

(e) the classes of operating engineers or operators required for the plant.

Contents of registration plates

(3) Every registration plate shall show,

- (a) the registration number; and
- (b) the Therm-hour rating of the plant. 1965, c. 92, s. 7.

8.—(1) The user of a plant shall conspicuously display its certificate of registration in the engine room, compressor room or boiler room of the plant. Display of certificate of registration

(2) The user of a hoisting plant or a steam hoisting plant shall conspicuously display its registration plate in the cab or in some equally protected position in the plant. 1965, c. 92, s. 8. Display of plate

9. Where the setting of a safety valve or the Therm-hour rating of a registered plant is changed, the user of the plant shall notify the chief officer in writing within fifteen days with full particulars of such change in setting or Therm-hour rating and, where the change is sufficient to change the classes of operating engineers or operators required for the plant, he shall return the certificate of registration or registration plate, as the case may be, to the chief officer, together with the prescribed plant registration application form and the prescribed fee, and thereupon the chief officer shall issue a new certificate of registration or a new registration plate, as the case may be, for the plant. 1965, c. 92, s. 9. Reregistration

10. The registered horsepower of every plant or part thereof in use when this Act comes into force shall be converted from a horsepower basis to a Therm-hour basis in accordance with the following provisions: Conversion of existing plants to Therm-hour rating

1. The Therm-hour rating of a boiler, other than an electric boiler, is the horsepower of the boiler shown on the certificate of registration for the plant under the predecessor of this Act multiplied by 2 and divided by 3.
2. The Therm-hour rating of an electric boiler is the horsepower of the boiler shown on the certificate of registration for the plant under the predecessor of this Act divided by 3.
3. The Therm-hour rating of the prime mover of any type of compressor is the brake horsepower of the prime mover of the compressor shown on the certificate of registration for the plant under the predecessor of this Act multiplied by 0.02544.
4. The Therm-hour rating of a plant having boilers only is the total of the Therm-hour ratings of its boilers.
5. The Therm-hour rating of a plant having any type of compressors but no boilers is the total of the Therm-hour ratings of the prime movers of its compressors.

6. The Therm-hour rating of a plant having boilers and any type of compressors is the horsepower rating of the plant shown on its certificate of registration under the predecessor of this Act multiplied by 2 and divided by 3. 1965, c. 92, s. 10.

Interpre-
tation

11.—(1) In this section,

- (a) “altered” means that the maximum capacity of the boiler to heat water or to generate or heat steam while in normal continuous operation has been changed;
- (b) “installed” means that the boiler is so placed and so equipped that in the opinion of the chief officer it is ready for use, and “reinstalled” has a corresponding meaning.

Therm-hour
rating,
boilers

(2) The Therm-hour rating of a boiler, other than an electric boiler, that is installed, reinstalled or altered after this Act comes into force shall be the maximum number of British thermal units in the total heat content of the water or steam entering its inlet subtracted from the total heat content of the water or steam leaving its outlet per hour, as determined by its manufacturer for its normal, continuous operation, divided by 100,000.

Idem,
electric
boilers

(3) The Therm-hour rating of an electric boiler that is installed, reinstalled or altered after this Act comes into force shall be the maximum number of kilowatts supplied to the boiler per hour, as determined by its manufacturer for its normal, continuous operation, multiplied by 3413 and divided by 100,000. 1965, c. 92, s. 11.

Therm-hour
rating,
prime
movers

12. The Therm-hour rating of a prime mover, other than an electric motor or an internal combustion engine, is the maximum brake horsepower, as determined by its manufacturer for its normal, continuous operation, multiplied by 0.02544. 1965, c. 92, s. 12.

Therm-hour
rating,
electric
motors

13.—(1) The Therm-hour rating of an electric motor is the lesser of,

- (a) the maximum brake horsepower, as determined by its manufacturer for its normal, continuous operation, multiplied by 0.02544; or
- (b) the maximum kilowatt rating of the motor, as determined by its manufacturer for its normal, continuous operation, modified where necessary for the type of service in which it is used, multiplied by 0.03413.

(2) The Therm-hour rating of an internal combustion engine is, Idem,
internal
combustion
engines

- (a) the maximum brake horsepower, as determined by the engine manufacturer for its normal, continuous operation, multiplied by 0.02544; or
- (b) where the manufacturer of the engine has not determined its maximum brake horsepower for its normal, continuous operation, the Therm-hour rating is the product of the following formula multiplied by 0.02544:

$$\frac{(\text{diameter of cylinders in inches})^2 \times \text{number of cylinders}}{1.4}$$

(3) Where, in the opinion of the chief officer, the Therm-hour rating of an engine cannot be determined under clause *b* of subsection 2, the chief officer may establish the Therm-hour rating of the engine. Exception 1965, c. 92, s. 13.

14.—(1) The Therm-hour rating, Therm-hour
rating,
plants

- (a) of a stationary power plant is the total of the Therm-hour ratings of its boilers and of the prime movers of its compressors;
- (b) of a low-pressure stationary plant is the total of the Therm-hour ratings of its boilers and of the prime movers of its compressors;
- (c) of a compressor plant that has motive power other than steam is the total of the Therm-hour ratings of the prime movers of its compressors;
- (d) of a refrigeration plant that has motive power other than steam is the total of the Therm-hour ratings of the prime movers of its compressors;
- (e) of a steam-powered plant is the total of the Therm-hour ratings of its prime movers.

(2) Where a plant does not fall within one of the clauses of subsection 1, its Therm-hour rating shall be determined by the chief officer. Exceptional
cases

(3) Where two or more plants of a user are located on the same premises and are registered as a plant, its Therm-hour rating is the total of the Therm-hour ratings of such plants. Idem,
combination
plants 1965, c. 92, s. 14.

15.—(1) Operating engineers shall be classified as follows: Classes of
operating
engineers

1. Stationary engineer (fourth, third, second or first class).
2. Provisional stationary engineer (fourth, third or second class).

3. Hoisting engineer.
4. Steam-hoisting engineer.

Classes of
operators

(2) Operators shall be classified as follows:

1. Compressor operator.
2. Refrigeration operator (B or A class). 1965, c. 92, s. 15.

Stationary
engineers
(4th class),
what
qualified
to do

16.—(1) A person holding a stationary engineer's (fourth class) certificate of qualification is qualified,

- (a) to act as chief operating engineer in charge of,
 - (i) any stationary power plant of not more than 50 Therm-hours where the Therm-hour rating of refrigeration compressors is not more than 2.544 and the Therm-hour rating of compressors, including any refrigeration compressors, is not more than 5.088,
 - (ii) any low-pressure stationary plant of not more than 134 Therm-hours,
 - (iii) any steam-powered plant of not more than 7.632 Therm-hours,
 - (iv) any refrigeration plant of not more than 5.088 Therm-hours,
 - (v) any compressor plant of not more than 10.176 Therm-hours,
 - (vi) any plant referred to in subclause ii or iii whose total Therm-hour rating includes the Therm-hour rating of refrigeration compressors of not more than 3.816 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 7.632 Therm-hours;
- (b) to act as shift engineer in,
 - (i) any stationary power plant of not more than 134 Therm-hours where the Therm-hour rating of refrigeration compressors is not more than 5.088 and the Therm-hour rating of compressors, including any refrigeration compressors, is not more than 10.176,
 - (ii) any low-pressure stationary plant of not more than 400 Therm-hours,
 - (iii) any steam-powered plant,
 - (iv) any refrigeration plant of not more than 20.352 Therm-hours,
 - (v) any compressor plant,
 - (vi) any plant referred to in subclause ii or iii whose total Therm-hour rating includes the Therm-hour

rating of refrigeration compressors of not more than 15.264 or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528 Therm-hours;

- (c) to act as assistant shift engineer in,
 - (i) any stationary power plant of not more than 400 Therm-hours;
 - (ii) any low-pressure stationary plant, steam-powered plant, refrigeration plant or compressor plant.

(2) A person holding a stationary engineer's (third class) certificate of qualification is qualified, Idem,
stationary
engineers
(3rd class)

- (a) to act as chief operating engineer in charge of,
 - (i) any stationary power plant of not more than 134 Therm-hours where the Therm-hour rating of refrigeration compressors is not more than 5.088 and the Therm-hour rating of compressors, including any refrigeration compressors, is not more than 10.176,
 - (ii) any low-pressure stationary plant of not more than 400 Therm-hours,
 - (iii) any steam-powered plant,
 - (iv) any refrigeration plant of not more than 20.352 Therm-hours,
 - (v) any compressor plant,
 - (vi) any plant referred to in subclause ii or iii whose total Therm-hour rating includes the Therm-hour rating of refrigeration compressors of not more than 15.264 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528 Therm-hours;

- (b) to act as shift engineer in,
 - (i) any stationary power plant of not more than 400 Therm-hours that includes the Therm-hour rating of refrigeration compressors of not more than 15.264 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528,
 - (ii) any low-pressure stationary plant, steam-powered plant, compressor or refrigeration plant;

- (c) to act as assistant shift engineer in any plant.

(3) A person holding a stationary engineer's (second class) certificate of qualification is qualified, Idem,
stationary
engineers
(2nd class)

- (a) to act as chief operating engineer in charge of,
 - (i) a stationary power plant of not more than 400 Therm-hours that includes the Therm-hour rating

of refrigeration compressors of not more than 15.264 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528 Therm-hours,

(ii) any low-pressure stationary plant, steam-powered plant, compressor or refrigeration plant;

(b) to act as shift engineer in any plant.

Idem,
stationary
engineers
(1st class)

(4) A person holding a stationary engineer's (first class) certificate of qualification is qualified to act as chief operating engineer in charge of any plant.

Idem,
compressor
operators

(5) A person holding a compressor operator's certificate of qualification is qualified to act as a chief or shift operator in any compressor plant whose prime mover is not a steam engine or steam turbine.

Idem,
refrigeration
operators
(class B)

(6) A person holding a refrigeration operator's (class B) certificate of qualification is qualified,

(a) to act as chief operator in a refrigeration plant of not more than 20.352 Therm-hours or in any compressor plant whose prime mover is not a steam engine or steam turbine;

(b) to act as a shift operator in any refrigeration or compressor plant whose prime mover is not a steam engine or steam turbine.

Idem,
refrigeration
operators
(class A)

(7) A person holding a refrigeration operator's (class A) certificate of qualification is qualified to act as chief or shift operator in any compressor or refrigeration plant whose prime mover is not a steam engine or steam turbine.

Idem,
steam
hoisting
engineers

(8) A person holding a steam hoisting engineer's certificate of qualification is qualified to operate any steam hoisting plant or hoisting plant.

Idem,
hoisting
engineers

(9) A person holding a hoisting engineer's certificate of qualification is qualified to operate any hoisting plant or portable compressor plant whose prime mover is not a steam engine or steam turbine.

Idem,
stationary
engineers,
steam
hoisting
engineers

(10) A person holding a certificate of qualification of any class of stationary engineer or of a steam hoisting engineer is qualified to operate a portable compressor plant, a temporary heating plant or a portable boiler used in connection with any portable machinery or a device for melting ice or snow.

Idem,
holders of
provisional
certificates

(11) A person holding a provisional certificate of qualification under section 23 is qualified to perform the same work and duties as an operating engineer or operator holding a corresponding certificate of qualification. 1965, c. 92, s. 16.

17. A person who is obtaining qualifying experience for his first certificate of qualification may not perform work in connection with the actual operation of a plant except under the personal direction and supervision of an operating engineer or operator. 1965, c. 92, s. 17.

Trainees

18. Where a low-pressure stationary plant or stationary power plant has a compressor or a refrigeration compressor, the user of the plant may employ one or more compressor operators or one or more refrigeration operators, as the case may be, as shift operator or shift operators for the compressor. 1965, c. 92, s. 18.

Shift operators for compressors in stationary plants

19. Where an operating engineer or operator is absent from his plant due to sickness or while on holidays, an operating engineer or operator holding a certificate not more than one class lower than the certificate of the operating engineer or operator who is absent may during the absence operate the plant for not more than thirty days per year or such greater number of days per year as the chief officer may authorize in writing in any particular case. 1965, c. 92, s. 19.

Absence due to sickness or holidays

20. While a plant is in operation, an operating engineer or an operator qualified to be in charge of such a plant shall be present in its boiler room, compressor room or engine room, as the case may be, or, where it is not enclosed, he shall be present in its immediate vicinity,

Temporary absences

(a) unless an operating engineer or an operator holding a certificate of qualification that is not more than one class lower is present during his absence;

(b) unless his absence is authorized by the regulations,

and unless, in either case, he is satisfied at the time of his leaving the plant that it is operating safely. 1965, c. 92, s. 20.

21. Where a plant has been operated by an operating engineer or operator in compliance with this Act and the regulations and the Therm-hour rating of the plant is increased so that the operating engineer or operator, as the case may be, is no longer qualified to operate the plant and he has operated the plant continuously for three consecutive years immediately before the increase, he may continue to operate the plant for such period and under such terms and conditions as the regulations prescribe. 1965, c. 92, s. 21.

Increase in Therm-hour rating

22.—(1) The Board shall issue, in accordance with the regulations, a certificate of qualification to any person who,

Certificates of qualification

(a) shows proof satisfactory to the Board of the experience required by the regulations; and

- (b) passes the examinations conducted by the Board; and
- (c) pays the prescribed fee.

Term (2) Every certificate of qualification, except a provisional certificate of qualification, remains in force during the calendar year in which it is issued and until the date of renewal or the 31st day of January in the following year, whichever occurs first, unless it is sooner suspended or cancelled. 1965, c. 92, s. 22.

Provisional
certificates
of quali-
fication

23.—(1) The Board may, upon payment of the prescribed fee and in accordance with the regulations, issue a provisional certificate of qualification without examination to any person who, in the opinion of the Board, holds a subsisting certificate issued by another province of Canada that qualifies the person to perform the work and duties of an operating engineer or operator in such province.

Idem (2) A provisional certificate under subsection 1 shall be one grade lower than the certificate of qualification that, in the opinion of the Board, corresponds to the certificate issued by the other province.

Term (3) Every provisional certificate of qualification remains in force for one year from the date of issue, unless sooner suspended or cancelled, and is not renewable. 1965, c. 92, s. 23.

Cancellation
or
suspension
of certi-
ficate of
qualification

24.—(1) The Board may cancel or suspend a certificate of qualification if the operating engineer or operator,

- (a) is habitually intemperate in his use of alcoholic beverages or is addicted to the use of drugs;
- (b) operates a plant when his ability to do so is impaired by alcohol or a drug;
- (c) is declared to be mentally incompetent or becomes physically incapable of safely performing his duties;
- (d) is incompetent or negligent in the discharge of his duties as an operating engineer or operator;
- (e) has obtained his certificate through misrepresentation or fraud;
- (f) maliciously destroys his employer's property;
- (g) allows another person to operate under his certificate;
- (h) attempts to obtain a certificate by false means for another person;
- (i) fails to give the notice required by section 28;

- (j) leaves the employ of his employer without having given his employer at least seven days notice in writing of his intention to leave;
- (k) furnishes information for the use of the Board respecting an applicant for a certificate without knowing that the information is true; or
- (l) contravenes any of the provisions of this Act or the regulations.

(2) No certificate of qualification shall be cancelled or suspended by the Board unless the Board first gives the holder of the certificate and his counsel, if any, and any other person having knowledge of the matter an opportunity to be heard. Hearings

(3) For the purposes of a hearing under this section, the chairman of the Board has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. 1965, c. 92, s. 24. Powers
R.S.O. 1970,
c. 379

25.—(1) Any person who considers himself aggrieved by any decision of the Board or of the chief officer may, within ten days after the decision comes to his notice, appeal in writing from the decision to the Minister who shall, upon notice to all interested parties, hear the appeal and affirm, rescind or vary the decision. Appeals

(2) The making of an appeal under this section does not affect the operation of the decision pending the disposition of the appeal by the Minister. 1965, c. 92, s. 25. Idem

26. Every certificate of qualification shall at all times be displayed conspicuously in the engine room, compressor room or boiler room of the plant in which the holder thereof works, except in the case of a steam hoisting plant or a hoisting plant, in which case the certificate shall be carried upon the person of the holder. 1965, c. 92, s. 26. Posting of
certificates

27. Where a certificate has been lost or destroyed, the Board or the chief officer, as the case may be, on payment of the prescribed fee, shall issue a duplicate certificate. 1965, c. 92, s. 27. Duplicate
certificates

28. Every operating engineer or operator who, Duty to
notify of
absence

- (a) knows that he will be absent from his duties; or
- (b) is unable to commence or continue his duties,

shall immediately make every reasonable effort in the circumstances to so notify his chief operating engineer or chief operator or shift engineer or shift operator, or, if none, his employer. 1965, c. 92, s. 28.

Prohibitions,
operation
by other
than operat-
ing engineer
or operator

29.—(1) No person other than an operating engineer who holds a certificate of qualification shall perform the work and duties of an operating engineer, and no person other than an operating engineer or operator who holds a certificate of qualification shall perform the work and duties of an operator.

Employment
of un-
qualified
persons
prohibited

(2) No person shall employ,

- (a) any person who is not an operating engineer to perform the work and duties of an operating engineer or operator, or any person who is not an operator to perform the work and duties of an operator; or
- (b) any operating engineer or operator to operate a plant that he is not qualified under this Act to operate.

Work
prohibited,
unless
qualified
therefor

(3) No operating engineer or operator shall perform any work or duties of an operating engineer or operator that he is not qualified under this Act to perform. 1965, c. 92, s. 29.

Operation
of plants

30. No person shall use or operate a plant or cause a plant to be used or operated except in accordance with this Act and the regulations. 1965, c. 92, s. 30.

Offences

31.—(1) Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations, or hinders or obstructs any person in the performance of his duties under this Act or the regulations, is guilty of an offence against this Act and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than twelve months, or to both.

Continuing
offence

(2) Where the circumstances constituting an offence against this Act continue from day to day and an information has been laid in respect of the offence, the offence shall be deemed to have been repeated on each day the circumstances continue. 1965, c. 92, s. 31.

Board of
review

32.—(1) The Lieutenant Governor in Council may appoint a board of review consisting of a chairman and equal numbers of representatives of plant users and operating engineers,

- (a) to advise the Minister as to the effectiveness of the Act and regulations in ensuring safety in connection with the operation of plants;
- (b) to evaluate and advise the Minister as to equipment and operating procedures in ensuring safety in connection with the operation of plants;
- (c) to advise the Minister, management and labour in connection with the training and employment of operating engineers and operators.

(2) The Lieutenant Governor in Council may fix the terms of office and the remuneration of the members of the board of review. Terms of office and remuneration

(3) The Lieutenant Governor in Council may fill any vacancy in the membership of the board of review. Vacancies

(4) The board of review is responsible to the Minister. 1965, c. 92, s. 32. Responsible to Minister

33. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the qualifications of members of the Board and of inspectors;
- (b) prescribing the qualifications of applicants for certificates of qualification and provisional certificates of qualification and the evidence required to be furnished by such applicants as to previous training and experience;
- (c) prescribing courses of training or study for applicants for certificates of qualification;
- (d) prescribing the powers and duties of chief operating engineers, chief operators, shift engineers and shift operators;
- (e) prescribing the conditions of re-examination of applicants for certificates of qualification who have failed to pass the examinations required by the Board;
- (f) providing for the issue, renewal and reinstatement of certificates of qualification and for the issue of provisional certificates of qualification;
- (g) prescribing the method of establishing the Therm-hour ratings of internal combustion engines, or any class thereof, not specified in this Act;
- (h) classifying plants and exempting any class from any provision of this Act or the regulations;
- (i) respecting the operation of plants or any class of plants;
- (j) providing for the isolation of boilers and compressors by means of seals or otherwise;
- (k) authorizing and prescribing the circumstances and periods of absence for the purposes of section 20;
- (l) prescribing the periods during which and the terms and conditions upon which operating engineers and operators may continue to operate plants whose Therm-hour rating has been increased;

- (*m*) prescribing forms and providing for their use;
 - (*n*) providing for and prescribing fees;
 - (*o*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1965, c. 92, s. 33.
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CHAPTER 334

The Ophthalmic Dispensers Act

1. In this Act,

Interpre-
tation

- (a) “Board” means the Board of Ophthalmic Dispensers under this Act;
- (b) “ophthalmic appliances” means lenses, spectacles, eye-glasses, artificial eyes, contact lenses or appurtenances thereto for the aid or correction of visual or ocular anomalies of the eyes;
- (c) “ophthalmic dispenser” means a person registered under this Act;
- (d) “ophthalmic dispensing” means,
 - (i) supplying, preparing and dispensing ophthalmic appliances,
 - (ii) interpreting prescriptions of legally qualified medical practitioners and optometrists, and
 - (iii) the fitting, adjusting and adapting of ophthalmic appliances to the human face and eyes in accordance with the prescriptions of legally qualified medical practitioners and optometrists;
- (e) “registrar” means the registrar of the Board;
- (f) “regulations” means the regulations made under this Act. 1960-61, c. 72, s. 1.

2.—(1) The Lieutenant Governor in Council may appoint a board consisting of not fewer than five members to be known as the Board of Ophthalmic Dispensers.

Appoint-
ment of
Board

(2) Every member of the Board shall hold office for a period of two years, but any member is eligible for reappointment at the expiration of his term of office.

Term of
office

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the Lieutenant Governor in Council by the appointment of a person to hold office for the remainder of the term of such member. 1960-61, c. 72, s. 2.

Vacancies

3.—(1) Notwithstanding section 2, the Lieutenant Governor in Council may prescribe the constitution of the Board and provide for the election of its members by and from ophthalmic dispensers on a geographical basis or otherwise.

Election
of Board

Repeal
of s. 2

(2) As soon as the Board has been elected under this section, section 2 shall be deemed to be repealed. 1960-61, c. 72, s. 3.

Officers

4. The chairman, vice-chairman and secretary-treasurer of the Board shall be elected by the members of the Board from among themselves. 1960-61, c. 72, s. 4.

Status and
function
of Board

5. The Board is a corporation and it shall administer and enforce this Act and the regulations. 1960-61, c. 72, s. 5.

By-laws

6. The Board may pass by-laws providing for,

- (a) the calling and conduct of its meetings and proceedings;
- (b) the remuneration and expenses of persons employed by the Board while engaged upon the business of the Board;
- (c) the appointment and remuneration of teachers, examiners, inspectors and such other persons as the Board may employ, and prescribing the duties of such persons;
- (d) banking and finance and management of its property;
- (e) entering into an agreement or agreements with any university, school or college for such instruction, direction and lectures as may be necessary for the purposes of this Act;
- (f) all other matters reasonably necessary for carrying out the provisions of this Act. 1960-61, c. 72, s. 6.

Registration
require-
ments

7. Every applicant for registration as an ophthalmic dispenser who furnishes satisfactory evidence that he,

- (a) is over twenty-one years of age and is of good moral character;
- (b) has,
 - (i) completed a course of study in a school of ophthalmic dispensing approved under the regulations and has had practical training for one year in Canada with an ophthalmic dispenser or optometrist, or
 - (ii) completed at least three years training and experience in ophthalmic dispensing, at least one of which was in Canada, under the supervision of a legally qualified medical practitioner, wholesale optical company, ophthalmic dispenser or optometrist and has completed a home study course as prescribed by the regulations, or
 - (iii) in the opinion of the Board, the qualifications and experience equivalent to that set forth in subclause i or ii and has had one year's experience in Canada,

under the supervision of a legally qualified medical practitioner, wholesale optical company, ophthalmic dispenser or optometrist;

(c) has passed the examinations of the Board; and

(d) has paid the prescribed fee,

shall be registered as an ophthalmic dispenser. 1960-61, c. 72, s. 7; 1965, c. 93, s. 1.

8.—(1) Notwithstanding section 7, the Board may establish a special register for the registration of persons and classes of persons designated by the regulations. Special register

(2) The persons registered in the special register may practise ophthalmic dispensing in the manner and subject to the conditions, limitations and restrictions prescribed by the regulations. 1961-62, c. 100, s. 1. Practice of special registrants

9.—(1) The registrar shall keep a register of all ophthalmic dispensers, showing their places of business or employment from time to time. Register

(2) When the registrar is satisfied that an applicant for registration is entitled to be registered, he shall enter the name of the applicant in the register and shall issue a certificate of registration to the applicant. Idem

(3) If an application for registration is refused by the registrar or an entry is made in the register in error or by reason of misrepresentation, the Board may direct that the necessary entry, erasure or amendment be made in the register and the registrar shall make such entry, erasure or amendment. 1960-61, c. 72, s. 10. Idem

10. Every certificate of registration shall be renewed annually at such times and upon such conditions and the payment of such fee as are prescribed by the regulations. 1960-61, c. 72, s. 11. Renewal of certificate

11. No person, other than an ophthalmic dispenser, shall assume or use the title "optician" or "ophthalmic dispenser". 1960-61, c. 72, s. 12. Use of "optician", etc.

12. Except as otherwise provided in this Act, no person, other than an ophthalmic dispenser, shall, Unauthorized practice prohibited

(a) practise ophthalmic dispensing;

(b) prepare or dispense prescriptions of legally qualified medical practitioners or optometrists for ophthalmic appliances; or

(c) offer for sale or sell ophthalmic appliances. 1960-61, c. 72, s. 13.

Where prescription required, exception

13. No ophthalmic dispenser shall supply or dispense an ophthalmic appliance except upon a prescription therefor of a legally qualified medical practitioner or an optometrist, but an ophthalmic dispenser may supply and dispense duplications, replacements, reproductions or repetitions of any ophthalmic appliance. 1960-61, c. 72, s. 14.

Suspension and revocation of certificate

14.—(1) The Board may by order suspend or revoke the certificate of registration of any ophthalmic dispenser whom it finds has been guilty of unprofessional conduct as defined by the regulations, or of incompetency, fraud or misrepresentation in connection with his practice of ophthalmic dispensing.

Public hearing

(2) Before suspending or revoking the certificate of registration of an ophthalmic dispenser under subsection 1, the Board shall, by notice in writing, advise him of the complaint or charge that has been made against him and shall provide him with an opportunity of appearing before the Board at a public hearing and of presenting such evidence and making such representations as he may desire.

Review

(3) The Board may review at any time any order made under this section and may make such further order as it considers proper.

Service of order

(4) A copy of any order made under this section shall be served on the person affected. 1960-61, c. 72, s. 15.

Appeal

15.—(1) Any person affected by an order made under section 14 may appeal therefrom to a judge of the county or district court of the county or district in which he practises.

Notice of appeal

(2) Notice of appeal shall be given in writing within two weeks after service of the copy of the order of the Board on the person affected by filing a copy thereof with the clerk of the court and serving a copy thereof on the registrar.

Date of hearing

(3) The appellant shall apply to the judge to fix a date for the hearing of the appeal, and shall forthwith serve on the registrar notice of the date so fixed.

Appearances

(4) The appellant may appear on the appeal in person or by counsel, and the Board may appear by any member thereof or by counsel.

Trial *de novo*

(5) The hearing of the appeal shall be a trial *de novo* and the judge may hear all such evidence as he considers to be relevant, and may affirm the order of the Board, or amend it and affirm it as amended, or set it aside. 1960-61, c. 72, s. 16.

Offences

16. Every person who contravenes any of the provisions of this Act is guilty of an offence and on summary conviction is liable

to a fine of not less than \$50 and not more than \$500. 1960-61, c. 72, s. 17.

17. All fines recovered for offences against this Act shall be paid to the registrar for the use of the Board. 1960-61, c. 72, s. 18.

Disposition
of fines

18. Nothing in this Act applies to a legally qualified medical practitioner or an optometrist. 1960-61, c. 72, s. 19.

Saving as
to physicians
and
optometrists

19. Nothing in this Act prevents,

(a) the practice of ophthalmic dispensing by a retail merchant at his ordinary place of business or the carrying on therein of an optical department, if an ophthalmic dispenser is in charge of the practice or of the optical department; or

Saving as
to certain
practices

(b) the sale of protective glasses for industrial purposes, coloured glasses not embodying any ophthalmic corrective lens or lenses, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye. 1960-61, c. 72, s. 20.

20. Nothing in this Act authorizes the Board to regulate, control or interfere with the prices that may be charged for ophthalmic appliances or the terms upon which the charges or fees may be paid. 1960-61, c. 72, s. 21.

Prices, etc.,
not to be
controlled

21. Nothing in this Act prevents the sale or offering for sale by a retail merchant at his place of business of spectacles or eyeglasses, but the Lieutenant Governor in Council may make regulations governing or restricting such sale or offering for sale and prescribing the terms and conditions thereof and designating the nature and kind of spectacles and eyeglasses that may be sold under this section. 1961-62, c. 100, s. 2.

Retail
merchants

22. The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations,

Regulations

- (a) prescribing the requirements for admission to schools of ophthalmic dispensing and the courses of instruction therein;
- (b) prescribing courses of home study;
- (c) providing for the holding of examinations for candidates for registration as ophthalmic dispensers who are in attendance at or graduates of schools of ophthalmic dispensing;

- (*d*) governing the registration of candidates for registration as ophthalmic dispensers and the suspension and cancellation of the registration of ophthalmic dispensers and the issue and renewal of certificates of registration;
 - (*e*) prescribing the persons or classes of persons who may be registered in the special register and the manner in which, and the conditions, limitations and restrictions subject to which, they may practise ophthalmic dispensing;
 - (*f*) defining unprofessional conduct for the purposes of this Act;
 - (*g*) prescribing fees for the examination of candidates for registration as ophthalmic dispensers and for the registration thereof and for the renewal of certificates of registration;
 - (*h*) prescribing the fees and expenses payable to members of the Board while carrying on their duties under this Act;
 - (*i*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1960-61, c. 72, s. 22; 1961-62, c. 100, s. 3; 1965, c. 93, s. 2.
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CHAPTER 335

The Optometry Act**1. In this Act,**Interpre-
tation

- (a) “Board” means the Board of Directors of the College;
- (b) “College” means the College of Optometrists of Ontario;
- (c) “member” means a member of the College;
- (d) “ophthalmic appliances” means lenses, spectacles, eyeglasses, artificial eyes, contact lenses, or appurtenances thereto, for the relief or correction of any visual or muscular error or defect of the eye;
- (e) “ophthalmic dispensing” means,
 - (i) supplying, preparing and dispensing ophthalmic appliances,
 - (ii) interpreting prescriptions of optometrists or legally qualified medical practitioners, and
 - (iii) the fitting, adjusting and adapting of ophthalmic appliances to the human face and eyes in accordance with the prescriptions of optometrists or legally qualified medical practitioners;
- (f) “optometrist” means a person who is entitled to practise optometry under this Act;
- (g) “prescribe” means the writing or determination of a formula or prescription for the relief or correction of any visual or muscular error or defect of the eye;
- (h) “profession of optometry” means the services usually performed by an optometrist, including the measurement of or the attempt to measure by any means, other than the use of drugs, the refractive or muscular condition of the eye, the prescribing and ophthalmic dispensing of ophthalmic appliances, and prescribing ocular calisthenics for the relief or correction of any visual or muscular error or defect of the eye. 1961-62, c. 101, s. 1.

2. The College is continued as a corporation and the persons who are registered under this Act shall be members of the College. 1961-62, c. 101, s. 2, *amended*.

College
continued

- Property **3.**—(1) All property, real and personal, heretofore vested in the Board of Examiners in Optometry is vested in the College.
- Idem (2) The College may acquire and hold real and personal property for its corporate purposes, and may alienate, exchange, lease, mortgage or otherwise charge or dispose of it, as occasion may require. 1961-62, c. 101, s. 3.
- Board, composition **4.**—(1) The affairs and business of the College shall be administered, managed and regulated by the Board, which shall consist of five members, of whom three form a quorum.
- election (2) The manner of electing the Board, the electoral districts, tenure of office and other ancillary matters shall be as set forth in the by-laws. 1961-62, c. 101, s. 4.
- Annual meetings **5.**—(1) The annual meetings of the College shall be held not later than the 31st day of March in each year. 1961-62, c. 101, s. 5 (1), *amended*.
- General meetings (2) Other general meetings of the College may be called from time to time.
- Idem (3) The manner of holding annual or other general meetings, notices thereof, voting and other ancillary matters shall be as set forth in the by-laws. 1961-62, c. 101, s. 5 (2, 3).
- Officers **6.** The Board shall elect from its members a president, a vice-president and a treasurer, and may appoint a registrar and a secretary and such other officers as may be required, and the duties thereof shall be as set forth in the by-laws. 1961-62, c. 101, s. 6.
- By-laws **7.**—(1) The Board may pass by-laws, not inconsistent with this Act, respecting,
 (a) the management of its property;
 (b) banking and finance;
 (c) the holding and conducting of the annual and other meetings of the College;
 (d) the holding and conducting of meetings of the Board;
 (e) the election or appointment, duties and removal of officers and servants, and their remuneration; and
 (f) all other things necessary or advisable for the management of the affairs of the College.
- Idem (2) No by-law becomes effective until it has been passed by the College at an annual or other general meeting called for that purpose.

(3) A copy of each by-law shall be mailed to each member within fifteen days of the by-law becoming effective. 1961-62, c. 101, s. 7. Idem

8.—(1) Every person who files with the registrar of the College an application in the prescribed form, stating therein that the applicant is more than twenty-one years of age, is of good moral character, has graduated from a school or college of optometry recognized by the Board and possesses the qualifications as to general education, training and experience prescribed by the regulations, may be admitted to examination by the Board as to his qualifications to practise optometry and, upon passing such examination, shall be registered by the Board as an optometrist and shall receive from the Board a certificate of such registration. Admission of new members

(2) Each certificate is renewable annually as provided for in the regulations. 1961-62, c. 101, s. 8. Annual certificate

9.—(1) No person shall practise the profession of optometry unless he is registered under this Act. Right to practise restricted

(2) No person, unless he is registered under this Act, shall append to his name the term "optometrist" or use any name, title, addition, abbreviation or description implying or calculated to lead any person to believe that he is registered under this Act. 1961-62, c. 101, s. 9. Titles, etc., restricted

10.—(1) Any person who contravenes or omits, neglects or fails to observe or comply with any of the provisions of this Act or the regulations, or who prescribes by mail, is guilty of an offence and liable on summary conviction, for a first offence, to a fine of not less than \$25 and not more than \$100, and, for a second or subsequent offence, to a fine of not less than \$50 and not more than \$500. Offences

(2) All fines recovered for offences under this Act shall be paid to the College. 1961-62, c. 101, s. 10. Disposition of fines

11.—(1) The Board may by order suspend or revoke the registration of any optometrist whom it finds guilty of unprofessional conduct as defined by the regulations or of incompetency or misrepresentation in connection with the practice of the profession or optometry. Suspension, etc., of registration

(2) Before suspending or revoking a registration, the Board shall, by notice in writing, advise such person of the alleged violation and shall provide him with an opportunity of appearing before the Board at a public hearing and of presenting such evidence and making such representations as he may desire. Notice

Review

(3) The Board may at any time review any finding or order made by it and make such further finding or order as it considers proper.

Power to
summon
witnesses,
etc.
R.S.O. 1970,
c. 379

(4) At a public hearing under this section, the president or vice-president of the Board has all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Appeal

(5) An appeal lies from any order or finding of the Board under this section to a judge of the Supreme Court by way of originating notice, and such appeal shall be upon the evidence and representations presented and made to the Board, and the judge may give such directions as he considers expedient and may make such finding and order as he considers proper. 1961-62, c. 101, s. 11.

Educational
arrange-
ments,
college of
optometry

12.—(1) The Board may enter into agreements and arrangements with any university in Ontario for the establishment of a college of optometry, and may make agreements and arrangements with any educational institution for the establishment of courses of study for persons seeking to qualify themselves to practise as optometrists, and may establish and carry on its own college of instruction and appoint such professors, lecturers, instructors, officers, servants and employees thereof as are considered necessary and fix their remuneration.

Idem

(2) The Board may use any of its moneys for any of the purposes and objects mentioned in subsection 1, and for such purposes and objects the Board has all the powers that may be necessary or convenient, including the power without licence in mortmain to acquire, hold, mortgage, charge, lease, sell or otherwise deal with real estate, and to borrow money and to secure payment thereof by mortgage or pledge of the real and personal property vested in the Board.

Dean

(3) The Board shall from time to time appoint a dean of the College of Optometry and fix his remuneration.

Idem

(4) The dean of the College of Optometry shall, under the direction and control of the Board, have charge of all affairs of internal management of the College of Optometry, including supervision of the staff and the students attending the College of Optometry, and the examinations conducted there from time to time.

Fees

(5) The Board may from time to time fix the fees to be paid by students attending the College of Optometry, including examination and degree fees. 1961-62, c. 101, s. 12.

13. Nothing in this Act applies to ophthalmic dispensing by an ophthalmic dispenser, or to a legally qualified medical practitioner, or to any person who carries on business in Ontario as a *bona fide* wholesale manufacturer and supplier of ophthalmic appliances to legally qualified medical practitioners, optometrists and ophthalmic dispensers, and who does not prescribe. 1961-62, c. 101, s. 13, *amended*.

Exemptions
from
operation
of Act

14. Nothing in this Act authorizes the Board to regulate, control or interfere with the prices that may be charged for eyeglasses or spectacles, the fees that may be charged for the examination of eyes, or the prescribing of eyeglasses or spectacles, or the terms upon which such charges or fees may be paid. 1961-62, c. 101, s. 14.

No control
of prices

15. Nothing in this Act prevents,

Retail
merchants

- (a) a retail merchant from operating, as part of his business, an optical department at his place of business where the profession of optometry is practised,
 - (i) if the practice and the department are in charge of a registered optometrist or a legally qualified medical practitioner, and
 - (ii) if the retail merchant files with the Board annually the name and address of the owner or manager of the business, either of whom shall be a resident of Ontario, and the name of the optometrist or legally qualified medical practitioner in charge of the optical department;
- (b) the sale of protective glasses for industrial purposes, coloured glasses not embodying any ophthalmic lens, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye; or
- (c) the sale or offering for sale by a retail merchant at his place of business of spectacles or eyeglasses; but the Lieutenant Governor in Council may make regulations governing or restricting such sale or offering for sale and prescribing the terms and conditions thereof and designating the nature and kind of spectacles and eyeglasses that may be sold under this section. 1961-62, c. 101, s. 15, *amended*.

16. The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations, Regulations

- (a) prescribing the requirements for admission to the College of Optometry and the courses of instruction therein;

- (b) providing for the holding of examinations for candidates for registration as optometrists;
 - (c) respecting the registration of candidates for registration as optometrists and the suspension and cancellation of the registration of optometrists and the issue and renewal of certificates of registration;
 - (d) providing for the government and discipline of the members;
 - (e) defining unprofessional conduct for the purposes of this Act;
 - (f) prescribing fees under this Act;
 - (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1961-62, c. 101, s. 16.
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CHAPTER 336

The Parents' Maintenance Act

1. Proceedings under this Act shall be heard in a provincial court (family division). R.S.O. 1960, c. 284, s. 1, *amended*. Jurisdiction

2. For the purposes of this Act, a parent shall be deemed to be dependent if he is destitute or if by reason of age, disease or infirmity he is unable to maintain himself, whether or not he is being cared for in a hospital, home for the aged or charitable institution. R.S.O. 1960, c. 284, s. 2. Dependent parent

3.—(1) An information may be laid under this Act by an apparently dependent parent or, with the consent in writing of the Crown attorney, by any other person. Who may lay information

(2) Notwithstanding subsection 1, the consent of the Crown attorney is not required where the information is laid by a representative of a government or government agency, or by a representative of a municipality or other local authority, or by a representative of a hospital, home for the aged or charitable institution. R.S.O. 1960, c. 284, s. 3. Idem

4.—(1) Where it appears that a parent is dependent, an information may be laid before a justice of the peace and the justice of the peace may issue a summons in Form 1 against one or more sons or daughters of the parent, and if upon the hearing it is found that the parent is dependent and that one or more sons or daughters have sufficient means to provide in whole or in part for the support of the parent, the judge, having regard to all the circumstances of the case, may make an order in Form 2 requiring any one or more of the sons and daughters to pay for the support of the parent from the date of the hearing or any date thereafter such sums at such intervals, not exceeding thirty-one days, as is considered proper, but such sums shall not exceed the rate of \$20 per week, with or without costs. Proceedings

(2) The judge, in addition to the payment ordered under subsection 1, may order on such terms as he considers proper any one or more of the sons and daughters to pay for the support of the dependent parent in respect of the period from the date on which the information was laid until the date of the hearing such sums at a rate not exceeding \$20 per week as he considers proper having regard to all the circumstances of the case. R.S.O. 1960, c. 284, s. 4, *amended*. Order for additional payment

Variation,
etc., of
order on
rehearing

5.—(1) Upon the application of a parent in respect of whom an order under this Act has been made or of any son or daughter against whom an order was made and upon proof that the circumstances of the parent or the son or daughter has changed since the making of the order, the judge who made the order or any other judge having similar jurisdiction may rehear the matter and confirm, vary or rescind the order. R.S.O. 1960, c. 284, s. 5 (1), *amended*.

Notice

(2) Notice of an application for a rehearing shall be given by the applicant to every other person affected by the order under review. R.S.O. 1960, c. 284, s. 5 (2).

Application
of R.S.O.
1970, c. 450

6. Except where otherwise provided in this Act, proceedings under this Act shall be in accordance with *The Summary Convictions Act*, and any order for the payment of money made under this Act may be enforced as if it were an order or conviction made under that Act, but imprisonment shall be ordered only under section 7. R.S.O. 1960, c. 284, s. 6.

Proceedings
on default

7. Whenever default is made in the payment of any sum of money ordered under this Act to be paid, the judge who made the order or any other judge having similar jurisdiction,

- (a) may from time to time summon the person in default to explain the default; and
- (b) may, where service of the summons has been proved and the person summoned does not appear and sufficient reason for his absence is not given, or where it appears that the summons cannot be served, or where an order for imprisonment has been made, issue a warrant for the arrest of such person; and
- (c) may, where a warrant has been issued, or where the person in default fails to satisfy him that the default is due to inability to pay, order such person to be imprisoned for a term of not more than three months unless the sums of money payable under the order are sooner paid. R.S.O. 1960, c. 284, s. 7, *amended*.

Order, filing
and enforce-
ment

8. An order for the payment of money under this Act may be filed with the clerk of a small claims court and enforced by execution and judgment summons as in the case of a judgment in the small claims court. R.S.O. 1960, c. 284, s. 8, *amended*.

FORM 1

(Section 4 (1))

SUMMONS

under

The Parents' Maintenance Act

To

(Name)

.....

(Address)

Whereas an information has this day been laid before me by
..... on behalf of
for an order under *The Parents' Maintenance Act*.

This is therefore to command you to appear before a judge of this court as may
be then and there present on the day
of, 19...., at the hour of in the
..... noon, to show cause why an order should not be made
against you to pay to the support of your such sum,
not exceeding the rate of \$20 per week, as may be ordered having regard to all the
circumstances of the case.

Given under my hand at this day
of, 19....

.....
Justice of the Peace

R.S.O. 1960, c. 284, Form 1.

FORM 2

(Section 4 (1))

ORDER

under

The Parents' Maintenance Act

Upon reading the information and summons dated the day
of, 19...., issued by justice
of the peace, upon the application of on behalf
of under *The Parents' Maintenance Act*
and upon hearing the evidence adduced at the hearing, it appears that the
said is entitled to the benefit of the said Act.

Therefore I, the undersigned, do hereby order that
do hereafter pay to his (or her) the sum of \$.....
per week (or bi-weekly, or monthly, as the case may be) for his (or her) support, the
first payment to be made on the day of
....., 19...., and the further sum of \$..... to be
paid on or before the day of 19....,
together with the costs of these proceedings which amount to \$.....
which shall be paid on or before the day of 19....

Given under my hand at this day of
....., 19....

.....
Judge

R.S.O. 1960, c. 284, Form 2.

CHAPTER 337

The Parks Assistance Act

1.—(1) In this Act,

Interpre-
tation

- (a) “approved park” means a park approved for assistance under this Act;
- (b) “Board” means the Ontario Parks Integration Board;
- (c) “Minister” means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;
- (d) “municipality” includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue moneys under section 68 of that Act;
- (e) “regulations” means the regulations made under this Act. R.S.O. 1960, c. 285, s. 1; 1961-62, c. 102, s. 1; 1962-63, c. 101, s. 1.

R.S.C. 1952,
c. 149

(2) An elementary or secondary school board having jurisdiction only in territory without municipal organization has the powers of the council of a municipality under this Act, and the provisions of this Act apply *mutatis mutandis* to such a school board. 1967, c. 70, s. 1.

School
boards in
territory
without
municipal
organization

2. The parks established under this Act shall be maintained and operated for the use and enjoyment of the public in such a manner as will be complementary to the use and enjoyment of provincial parks. R.S.O. 1960, c. 285, s. 2.

Parks com-
plementary
to provincial
parks

3.—(1) The Minister, upon the recommendation of the Board and with the approval of the Lieutenant Governor in Council, may make grants out of moneys appropriated therefor by the Legislature to any municipality to assist in,

Grants
authorized

- (a) the acquisition of land for an approved park;
- (b) the development of an approved park; and
- (c) the conversion of a provincial or public park into an approved park. R.S.O. 1960, c. 285, s. 3 (1).

(2) The assistance granted under subsection 1 in respect of any one park shall not exceed \$100,000 or 50 per cent of the total cost of acquiring the land and developing the park or of converting a provincial or public park into an approved park, whichever is the lesser.

Limitation,
total grant

Limitation,
acquisition
of land

(3) The assistance granted under clause *a* of subsection 1 for the acquisition of land shall not exceed \$25,000 or 50 per cent of the total cost of acquiring the land, whichever is the lesser. 1966, c. 109, s. 1.

Establish-
ment of
parks by
municipality

4.—(1) The council of any municipality may by by-law provide for the establishment of an approved park in the municipality or in territory without municipal organization in accordance with this Act, and may acquire by purchase or otherwise real and personal property for that purpose.

Joint
undertaking

(2) The council of any municipality may enter into agreement with the council of any other municipality,

- (a) for establishing an approved park in any municipality that is a party to an agreement or in territory without municipal organization;
- (b) for the acquisition of real and personal property for that purpose; and
- (c) for the development and operation of such park upon such terms as to contribution to the cost of the establishment, maintenance and operation thereof as may be agreed upon,

and the municipalities may acquire by purchase or otherwise real and personal property for such purposes. R.S.O. 1960, c. 285, s. 4.

Application
for assistance

5. Applicants for assistance under this Act shall file with the Board plans and specifications of the proposed park in accordance with the requirements of the regulations and such other information as the Board may require. R.S.O. 1960, c. 285, s. 5.

Duties of
Board

6.—(1) The Board in dealing with an application for assistance under this Act shall determine the need for the proposed park, having regard to its location in relation to other parks in Ontario and the camping, picnicking and other facilities to be provided therein for the accommodation and enjoyment of the public.

Approval
of plans

(2) Where an application for assistance is granted under this Act, the Board shall approve the plans and specifications for the proposed approved park as submitted by the applicant or with such alterations as it considers desirable. R.S.O. 1960, c. 285, s. 6.

Operation
of park

7. The approved park shall not be maintained or operated otherwise than in accordance with the approved plans and specifications without the approval of the Board. R.S.O. 1960, c. 285, s. 7.

8. Where aid has been granted under this Act to assist in the establishment and development of a park, the park or any part thereof shall not be sold or disposed of without the approval of the Board. R.S.O. 1960, c. 285, s. 8.

Disposal
of park

9. Unless otherwise provided in an agreement, where a municipality has a board of park management under *The Public Parks Act* or *The Municipal Act*, it may appoint such board to manage and control any approved park established in the municipality. R.S.O. 1960, c. 285, s. 9.

Management
of park
R.S.O. 1970,
cc. 384, 284

10.—(1) Subject to this Act and the regulations and subject to the approval of the Board, the council of any municipality that alone or in agreement with another municipality has established an approved park may pass by-laws,

By-laws

- (a) for the care, preservation, improvement, control and management of the park;
- (b) regulating and controlling the use of lands in the park;
- (c) prohibiting or regulating and controlling the use or keeping of horses, dogs and other animals in the park;
- (d) prohibiting or regulating and controlling the erection, posting or other display of notices, signs, sign-boards and other advertising devices in the park;
- (e) prohibiting or regulating and controlling the use, setting out and extinguishment of fires in the park;
- (f) prohibiting or regulating and controlling pedestrian, vehicular, boat or air traffic in the park;
- (g) prohibiting or regulating, controlling and licensing trades, businesses, amusements, sports, occupations and other activities or undertakings in the park;
- (h) prescribing fees to be payable for the use of any facilities provided in the park;
- (i) prescribing the maximum periods of stay of persons, vehicles, boats, vessels or aircraft in the park;
- (j) prescribing fees to be payable for entrance into the park of persons, vehicles, boats and aircraft;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Part XXI of *The Municipal Act* applies *mutatis mutandis* to any by-law passed under this section. R.S.O. 1960, c. 285, s. 10.

Application
of R.S.O.
1970, c. 284,
Pt. XXI

11. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing the terms and conditions upon which and

the manner in which grants may be made under this Act;

- (b) respecting plans and specifications to be submitted with applications for assistance;
 - (c) prescribing the uses to which an approved park may or may not be put, and the facilities and accommodations that may be provided therein;
 - (d) respecting any matter necessary or advisable to carry out the intent and purpose of this Act. R.S.O. 1960, c. 285, s. 11.
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CHAPTER 338

The Partition Act

1. In this Act,

Interpre-
tation

- (a) “court” means the Supreme Court or the county or district court of the county or district in which the land or any part thereof is situate;
- (b) “land” includes lands, tenements, and hereditaments, and all estate and interests therein. R.S.O. 1960, c. 287, s. 1.

2. All joint tenants, tenants in common, and coparceners, all doweresses, and parties entitled to dower, tenants by the curtesy, mortgagees or other creditors having liens on, and all parties interested in, to or out of, any land in Ontario, may be compelled to make or suffer partition or sale of the land, or any part thereof, whether the estate is legal and equitable or equitable only. R.S.O. 1960, c. 287, s. 2.

Who may be
compelled to
make parti-
tion or sale

3.—(1) Any person interested in land in Ontario, or the guardian appointed by a surrogate court of an infant entitled to the immediate possession of an estate therein, may take proceedings for the partition of such land or for the sale thereof under the directions of the court if such sale is considered by the court to be more advantageous to the parties interested.

Who may
take pro-
ceedings for
partition

(2) Where the land is held in joint tenancy or tenancy in common or coparcenary by reason of a devise or an intestacy, no proceedings shall be taken until one year after the decease of the testator or person dying intestate in whom the land was vested. R.S.O. 1960, c. 287, s. 3.

When pro-
ceedings
may be
commenced

4.—(1) Where a person interested in the land has not been heard of for three years or upwards and it is uncertain whether such person is living or dead, the court upon the application of any one interested in the land may appoint a guardian to take charge of the interest of such person and of those who, in the event of his being dead, are entitled to his share or interest in the land.

Appointment
of guardian
to estate of
person un-
heard of for
three years

(2) The guardian shall, in the proceedings, represent the absent person and those who, if he is dead, are entitled to his share or interest in the land, and whether they or any of them are infants or otherwise under disability, and his acts in relation to such share or interest are binding on the absent person and all

Powers
of such
guardian

others claiming or entitled to claim under or through him, and are as valid as if done by him or them.

Power of
the court to
deal with
the estate

(3) The court upon proof of such absence of such person as affords reasonable ground for believing such person to be dead, upon the application of the guardian, or any one interested in the estate represented by the guardian, may deal with the estate or interest of such person, or the proceeds thereof, and may order payment of the proceeds, or the income or produce thereof, to the person who, in the event of the absent person being dead, appears to be entitled to the same. R.S.O. 1960, c. 287, s. 4.

Sales
including
estates in
dower or by
the curtesy
or for life

5.—(1) In an action or proceeding for partition or administration, or in an action or proceeding in which a sale of land in lieu of partition is ordered, and in which the estate of a tenant in dower or tenant by the curtesy or for life is established, if the person entitled to the estate is a party, the court shall determine whether the estate ought to be exempted from the sale or whether it should be sold, and in making such determination regard shall be had to the interests of all the parties.

What to pass
to purchaser

(2) If a sale is ordered including such estate, all the estate and interest of every such tenant passes thereby, and no conveyance or release to the purchaser shall be required from such tenant, and the purchaser, his heirs and assigns, hold the premises freed and discharged from all claims by virtue of the estate or interest of any such tenant, whether the same be to any undivided share or to the whole or any part of the premises sold.

Compensa-
tion to
owners of
particular
estates

(3) The court may direct the payment of such sum in gross out of the purchase money to the person entitled to dower or estate by the curtesy or for life, as is considered, upon the principles applicable to life annuities, a reasonable satisfaction for such estate, or may direct the payment to the person entitled of an annual sum or of the income or interest to be derived from the purchase money or any part thereof, as seems just, and for that purpose may make such order for the investment or other disposition of the purchase money or any part thereof as is necessary. R.S.O. 1960, c. 287, s. 5.

Determining
value of
claim to
inchoate
right of
dower

6. Where a married woman is a party to such action or proceeding in respect to an inchoate right of dower, the court shall, in case of sale, determine the value of such right according to the principles applicable to deferred annuities and survivorships, and shall order the amount of such value to be paid, or shall order the payment to such married woman of an annual sum, or of such income or interest as is provided in section 5 and the payment is a bar to any right or claim of dower. R.S.O. 1960, c. 287, s. 6.

Effect upon
persons
under a
disability

7. A partition or sale made by the court is as effectual for the apportioning or conveying away of the estate or interest of a married woman, infant or mentally incompetent person, party to

the proceedings by which the sale or partition is made or declared, as of a person competent to act for himself. R.S.O. 1960, c. 287, s. 7.

8.—(1) Where proceedings under this Act are brought in a county or district court, a respondent may, by notice served on the applicant and on the other respondents, if any, and filed with proof of service thereof with the clerk of the county or district court not later than two days preceding the day of return of the application, require the proceedings to be removed into the Supreme Court. Removal of proceedings into Supreme Court

(2) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers and proceedings to the proper office of the Supreme Court in the county or district in which the proceedings are brought. Transmission of proceedings

(3) When the papers and proceedings are received at the proper office of the Supreme Court, the proceedings are *ipso facto* in the Supreme Court. Removal of proceedings R.S.O. 1960, c. 287, s. 8.

9. An appeal lies to the Court of Appeal from any order made under this Act. R.S.O. 1960, c. 287, s. 9. Appeal

CHAPTER 339

The Partnerships Act

1.—(1) In this Act,

Interpre-
tation

- (a) “business” includes every trade, occupation and profes-
sion;
- (b) “court” includes every court and judge having jurisdic-
tion in the case.

(2) A person is deemed to be “insolvent” within the meaning of this Act if he is adjudged a bankrupt under the *Bankruptcy Act* (Canada) or if he makes an assignment for the general benefit of his creditors, and “insolvency” has a meaning corresponding with “insolvent”. R.S.O. 1960, c. 288, s. 1.

Idem

R.S.C. 1952,
c. 14

NATURE OF PARTNERSHIP

2. Partnership is the relation that subsists between persons carrying on a business in common with a view to profit, but the relation between the members of a company or association that is incorporated by or under the authority of any special or general Act in force in Ontario or elsewhere, or registered as a corporation under any such Act, is not a partnership within the meaning of this Act. R.S.O. 1960, c. 288, s. 2, *amended*.

Partnership

3. In determining whether a partnership does or does not exist, regard shall be had to the following rules:

Rules for
determining
existence of
partnership

1. Joint tenancy, tenancy in common, joint property, common property, or part ownership does not of itself create a partnership as to anything so held or owned, whether the tenants or owners do or do not share any profits made by the use thereof.

2. The sharing of gross returns does not of itself create a partnership, whether the persons sharing such returns have or have not a joint or common right or interest in any property from which or from the use of which the returns are derived.

3. The receipt by a person of a share of the profits of a business is *prima facie* evidence that he is a partner in the business, but the receipt of such a share or payment, contingent on or varying with the profits of a business, does not of itself make him a partner in the business, and in particular,

- (a) the receipt by a person of a debt or other liquidated amount by instalments or otherwise out of the accruing

profits of a business does not of itself make him a partner in the business or liable as such;

- (b) a contract for the remuneration of a servant or agent or a person engaged in a business by a share of the profits of the business does not of itself make the servant or agent a partner in the business or liable as such;
- (c) a person being the widow or child of a deceased partner and receiving by way of annuity a portion of the profits made in the business in which the deceased person was a partner is not by reason only of such receipt a partner in the business or liable as such;
- (d) the advance of money by way of loan to a person engaged or about to engage in a business on a contract with that person that the lender is to receive a rate of interest varying with the profits, or is to receive a share of the profits arising from carrying on the business, does not of itself make the lender a partner with the person or persons carrying on the business or liable as such, provided that the contract is in writing and signed by or on behalf of all parties thereto;
- (e) a person receiving by way of annuity or otherwise a portion of the profits of a business in consideration of the sale by him of the goodwill of the business, is not by reason only of such receipt a partner in the business or liable as such. R.S.O. 1960, c. 288, s. 3.

Insolvency

4. In the event of a person to whom money has been advanced by way of loan upon such a contract as is mentioned in section 3, or of a buyer of the goodwill in consideration of a share of the profits of the business, becoming insolvent or entering into an arrangement to pay his creditors less than 100 cents in the dollar or dying in insolvent circumstances, the lender of the loan is not entitled to recover anything in respect of his loan, and the seller of the goodwill is not entitled to recover anything in respect of the share of profits contracted for, until the claims of the other creditors of the borrower or buyer, for valuable consideration in money or money's worth, are satisfied. R.S.O. 1960, c. 288, s. 4.

Meaning of
"firm"

5. Persons who have entered into partnership with one another are, for the purposes of this Act, called collectively a firm, and the name under which their business is carried on is called the firm name. R.S.O. 1960, c. 288, s. 5.

RELATION OF PARTNERS TO PERSONS DEALING WITH THEM

Power of
partner to
bind firm

6. Every partner is an agent of the firm and his other partners for the purpose of the business of the partnership, and the acts of every partner who does any act for carrying on in the usual way

business of the kind carried on by the firm of which he is a member, bind the firm and his partners unless the partner so acting has in fact no authority to act for the firm in the particular matter and the person with whom he is dealing either knows that he has no authority, or does not know or believe him to be a partner. R.S.O. 1960, c. 288, s. 6.

7. An act or instrument relating to the business of the firm and done or executed in the firm name, or in any other manner showing an intention to bind the firm by a person thereto authorized, whether a partner or not, is binding on the firm and all the partners, but this section does not affect any general rule of law relating to the execution of deeds or negotiable instruments. R.S.O. 1960, c. 288, s. 7.

Partners
bound by
acts on
behalf of
firm

8. Where one partner pledges the credit of the firm for a purpose apparently not connected with the firm's ordinary course of business, the firm is not bound, unless he is in fact specially authorized by the other partners, but this section does not affect any personal liability incurred by an individual partner. R.S.O. 1960, c. 288, s. 8.

Partner
using credit
of firm for
private
purposes

9. If it is agreed between the partners to restrict the power of any one or more of them to bind the firm, no act done in contravention of the agreement is binding on the firm with respect to persons having notice of the agreement. R.S.O. 1960, c. 288, s. 9.

Effect of
notice that
firm not
bound by
act of
partner

10. Every partner in a firm is liable jointly with the other partners for all debts and obligations of the firm incurred while he is a partner, and after his death his estate is also severally liable in a due course of administration for such debts and obligations so far as they remain unsatisfied, but subject to the prior payment of his separate debts. R.S.O. 1960, c. 288, s. 10.

Liability of
partners

11. Where by any wrongful act or omission of a partner acting in the ordinary course of the business of the firm, or with the authority of his co-partners, loss or injury is caused to a person not being a partner of the firm, or any penalty is incurred, the firm is liable therefor to the same extent as the partner so acting or omitting to act. R.S.O. 1960, c. 288, s. 11.

Liability of
firm for
wrongs

12. In the following cases, namely,

- (a) where one partner, acting within the scope of his apparent authority, receives the money or property of a third person and misapplies it; and
- (b) where a firm in the course of its business receives money or property of a third person, and the money or property

Misapplica-
tion of
money or
property
received for
or in custody
of the firm

so received is misapplied by one or more of the partners while it is in the custody of the firm,

the firm is liable to make good the loss. R.S.O. 1960, c. 288, s. 12.

Liability
for wrongs
joint and
several

13. Every partner is liable jointly with his co-partners and also severally for everything for which the firm, while he is a partner therein, becomes liable under section 11 or 12. R.S.O. 1960, c. 288, s. 13.

Improper
employment
of trust
property for
partnership
purposes

14. If a partner, being a trustee, improperly employs trust property in the business or on the account of the partnership, no other partner is liable for the trust property to the persons beneficially interested therein, but,

- (a) this section does not affect any liability incurred by any partner by reason of his having notice of a breach of trust; and
- (b) nothing in this section prevents trust money from being followed and recovered from the firm if still in its possession or under its control. R.S.O. 1960, c. 288, s. 14.

Persons
liable by
"holding
out"

15.—(1) Every person, who by words spoken or written or by conduct represents himself or who knowingly suffers himself to be represented as a partner in a particular firm, is liable as a partner to any person who has on the faith of any such representation given credit to the firm, whether the representation has or has not been made or communicated to the persons so giving credit by or with the knowledge of the apparent partner making the representation or suffering it to be made.

Continuing
business
after death
of partner

(2) Where after a partner's death the partnership business is continued in the old firm name, the continued use of that name or of the deceased partner's name as part thereof does not of itself make his executor's or administrator's estate or effects liable for any partnership debts contracted after his death. R.S.O. 1960, c. 288, s. 15.

Admissions
and repre-
sentations of
partners

16. An admission or representation made by a partner concerning the partnership affairs and in the ordinary course of its business is evidence against the firm. R.S.O. 1960, c. 288, s. 16.

Notice to
acting
partner to be
notice to the
firm

17. Notice to a partner who habitually acts in the partnership business of any matter relating to partnership affairs operates as notice to the firm, except in the case of a fraud on the firm committed by or with the consent of that partner. R.S.O. 1960, c. 288, s. 17.

Liability
commences
with
admission
to firm

18.—(1) A person who is admitted as a partner into an existing firm does not thereby become liable to the creditors of the firm for anything done before he became a partner.

(2) A partner who retires from a firm does not thereby cease to be liable for partnership debts or obligations incurred before his retirement.

Liability for debts, etc., incurred before retirement

(3) A retiring partner may be discharged from any existing liabilities by an agreement to that effect between himself and the members of the firm as newly constituted and the creditors, and this agreement may be either express or inferred as a fact from the course of dealing between the creditors and the firm as newly constituted. R.S.O. 1960, c. 288, s. 18.

Agreement discharging retiring partner

19. A continuing guaranty or cautionary obligation given either to a firm or to a third person in respect of the transactions of a firm is, in the absence of agreement to the contrary, revoked as to future transactions by any change in the constitution of the firm to which, or of the firm in respect of the transaction of which, the guaranty or obligation was given. R.S.O. 1960, c. 288, s. 19.

Revocation of continuing guaranty by change in firm

RELATION OF PARTNERS TO ONE ANOTHER

20. The mutual rights and duties of partners, whether ascertained by agreement or defined by this Act, may be varied by the consent of all the partners, and such consent may be either expressed or inferred from a course of dealing. R.S.O. 1960, c. 288, s. 20.

Variation by consent of terms of partnership

21.—(1) All property and rights and interests in property originally brought into the partnership stock or acquired, whether by purchase or otherwise, on account of the firm, or for the purposes and in the course of the partnership business, are called in this Act “partnership property”, and must be held and applied by the partners exclusively for the purposes of the partnership and in accordance with the partnership agreement.

Partnership property

(2) The legal estate or interest in land that belongs to a partnership devolves according to the nature and tenure thereof and the general rules of law thereto applicable, but in trust, so far as necessary, for the persons beneficially interested in the land under this section.

Devolution of land

(3) Where co-owners of an estate or interest in land, not being itself partnership property, are partners as to profits made by the use of that land or estate, and purchase other land or estate out of the profits to be used in like manner, the land or estate so purchased belongs to them, in the absence of an agreement to the contrary, not as partners, but as co-owners for the same respective estates and interests as are held by them in the land or estate first mentioned at the date of purchase. R.S.O. 1960, c. 288, s. 21.

Co-owners of land

Property
bought with
partnership
money

22. Unless the contrary intention appears, property bought with money belonging to the firm shall be deemed to have been bought on the account of the firm. R.S.O. 1960, c. 288, s. 22, *amended*.

Conversion
of land
bought with
partnership
money into
personalty

23. Where land or any heritable interest therein becomes partnership property, unless the contrary intention appears, it is to be treated as between the partners, including the representatives of a deceased partner, and also as between the heirs of a deceased partner and his executors or administrators as personal or movable and not real or heritable estate. R.S.O. 1960, c. 288, s. 23.

Rules as to
interests
and duties
of partners

24. The interests of partners in the partnership property and their rights and duties in relation to the partnership shall be determined, subject to any agreement express or implied between the partners, by the following rules:

1. All the partners are entitled to share equally in the capital and profits of the business, and must contribute equally towards the losses, whether of capital or otherwise, sustained by the firm.

2. The firm must indemnify every partner in respect of payments made and personal liabilities incurred by him,

(a) in the ordinary and proper conduct of the business of the firm; or

(b) in or about anything necessarily done for the preservation of the business or property of the firm.

3. A partner making, for the purpose of the partnership, any actual payment or advance beyond the amount of capital that he has agreed to subscribe is entitled to interest at the rate of 5 per cent per annum from the date of the payment or advance.

4. A partner is not entitled, before the ascertainment of profits, to interest on the capital subscribed by him.

5. Every partner may take part in the management of the partnership business.

6. No partner is entitled to remuneration for acting in the partnership business.

7. No person may be introduced as a partner without the consent of all existing partners.

8. Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners, but no change may be made in the nature of the partnership business without the consent of all existing partners.

9. The partnership books are to be kept at the place of business of the partnership, or the principal place, if there is more than one,

and every partner may, when he thinks fit, have access to and inspect and copy any of them. R.S.O. 1960, c. 288, s. 24.

25. No majority of the partners can expel any partner unless a power to do so has been conferred by express agreement between the partners. R.S.O. 1960, c. 288, s. 25. Expulsion of partner

26.—(1) Where no fixed term is agreed upon for the duration of the partnership, any partner may determine the partnership at any time on giving notice of his intention so to do to all the other partners. Retirement from partnership at will

(2) Where the partnership was originally constituted by deed, a notice in writing, signed by the partner giving it, is sufficient for that purpose. R.S.O. 1960, c. 288, s. 26. Notice of retirement

27.—(1) Where a partnership entered into for a fixed term is continued after the term has expired and without any express new agreement, the rights and duties of the partners remain the same as they were at the expiration of the term, so far as is consistent with the incidents of a partnership at will. Presumption of continuance after expiry of term

(2) A continuance of the business by the partners or such of them as habitually acted therein during the term without any settlement or liquidation of the partnership affairs shall be presumed to be a continuance of the partnership. R.S.O. 1960, c. 288, s. 27. Arises from continuance of business

28. Partners are bound to render true accounts and full information of all things affecting the partnership to any partner or his legal representatives. R.S.O. 1960, c. 288, s. 28. Duty as to rendering accounts

29.—(1) Every partner must account to the firm for any benefit derived by him without the consent of the other partners from any transaction concerning the partnership or from any use by him of the partnership property, name or business connection. Accountability for private profits

(2) This section applies also to transactions undertaken after a partnership has been dissolved by the death of a partner and before its affairs have been completely wound up, either by a surviving partner or by the representatives of the deceased partner. R.S.O. 1960, c. 288, s. 29. Extends to survivors and representatives of deceased

30. If a partner, without the consent of the other partners, carries on a business of the same nature as and competing with that of the firm, he must account for and pay over to the firm all profits made by him in that business. R.S.O. 1960, c. 288, s. 30. Duty of partner not to compete with firm

31.—(1) An assignment by a partner of his share in the partnership, either absolute or by way of mortgage or redeemable charge, does not, as against the other partners, entitle the Rights of assignee of share in partnership

assignee, during the continuance of the partnership, to interfere in the management or administration of the partnership business or affairs, or to require any accounts of the partnership transactions, or to inspect the partnership books, but entitles the assignee only to receive the share of profits to which the assigning partner would otherwise be entitled, and the assignee must accept the account of profits agreed to by the partners.

On dissolution

(2) In the case of a dissolution of the partnership, whether as respects all the partners or as respects the assigning partner, the assignee is entitled to receive the share of the partnership assets to which the assigning partner is entitled as between himself and the other partners, and, for the purpose of ascertaining that share, to an account as from the date of the dissolution. R.S.O. 1960, c. 288, s. 31.

DISSOLUTION OF PARTNERSHIP

Dissolution by expiry of term or notice

32. Subject to any agreement between the partners, a partnership is dissolved,

- (a) if entered into for a fixed term, by the expiration of that term;
- (b) if entered into for a single adventure or undertaking, by the termination of that adventure or undertaking; or
- (c) if entered into for an undefined time, by a partner giving notice to the other or others of his intention to dissolve the partnership, in which case the partnership is dissolved as from the date mentioned in the notice as the date of dissolution, or, if no date is so mentioned, as from the date of the communication of the notice. R.S.O. 1960, c. 288, s. 32.

Dissolution by death or insolvency of partner

33.—(1) Subject to any agreement between the partners, every partnership is dissolved as regards all the partners by the death or insolvency of a partner.

Where partner's share charged for separate debt

(2) A partnership may, at the option of the other partners, be dissolved if any partner suffers his share of the partnership property to be charged under this Act for his separate debt. R.S.O. 1960, c. 288, s. 33.

By illegality of business

34. A partnership is in every case dissolved by the happening of any event that makes it unlawful for the business of the firm to be carried on or for the members of the firm to carry it on in partnership. R.S.O. 1960, c. 288, s. 34.

By the court

35. On application by a partner, the court may order a dissolution of the partnership,

- (a) when a partner is found mentally incompetent by inquisition or is shown to the satisfaction of the court to

be of permanently unsound mind, in either of which cases the application may be made as well on behalf of that partner by his committee or next friend or person having title to intervene as by any other partner;

- (b) when a partner, other than the partner suing, becomes in any other way permanently incapable of performing his part of the partnership contract;
- (c) when a partner, other than the partner suing, has been guilty of such conduct as, in the opinion of the court, regard being had to the nature of the business, is calculated to prejudicially affect the carrying on of the business;
- (d) when a partner, other than the partner suing, wilfully or persistently commits a breach of the partnership agreement, or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable for the other partner or partners to carry on the business in partnership with him;
- (e) when the business of the partnership can only be carried on at a loss; or
- (f) when in any case circumstances have arisen that in the opinion of the court render it just and equitable that the partnership be dissolved. R.S.O. 1960, c. 288, s. 35.

36.—(1) Where a person deals with a firm after a change in its constitution, he is entitled to treat all apparent members of the old firm as still being members of the firm until he has notice of the change. Rights of persons dealing with firm against apparent members

(2) An advertisement in *The Ontario Gazette* shall be notice as to persons who had not dealings with the firm before the dissolution or change so advertised. Notice

(3) The estate of a partner who dies, or who becomes insolvent, or of a partner who, not having been known to the person dealing with the firm to be a partner, retires from the firm, is not liable for partnership debts contracted after the date of the death, insolvency, or retirement. R.S.O. 1960, c. 288, s. 36. Estate of dead or insolvent partner, how far liable

37. On the dissolution of a partnership or retirement of a partner, any partner may publicly give notice of the same, and may require the other partner or partners to concur for that purpose in all necessary or proper acts, if any, that cannot be done without his or their concurrence. R.S.O. 1960, c. 288, s. 37. Right to give notice of dissolution

38. After the dissolution of a partnership, the authority of each partner to bind the firm and the other rights and obligations of the partners continue notwithstanding the dissolution so far as is necessary to wind up the affairs of the partnership and to Continuing authority of partners for purposes of winding up

complete transactions begun but unfinished at the time of the dissolution, but not otherwise; provided that the firm is in no case bound by the acts of a partner who has become insolvent; but this proviso does not affect the liability of a person who has, after the insolvency, represented himself or knowingly suffered himself to be represented as a partner of the insolvent. R.S.O. 1960, c. 288, s. 38.

Rights of
partners as
to applica-
tion of
partnership
property

39. On the dissolution of a partnership every partner is entitled, as against the other partners in the firm and all persons claiming through them in respect of their interests as partners, to have the property of the partnership applied in payment of the debts and liabilities of the firm and to have the surplus assets after such payment applied in payment of what may be due to the partners respectively after deducting what may be due from them as partners to the firm, and for that purpose any partner or his representative may, on the termination of the partnership, apply to the court to wind up the business and affairs of the firm. R.S.O. 1960, c. 288, s. 39.

Apportion-
ment of
premium on
premature
dissolution

40. Where one partner paid a premium to another on entering into a partnership for a fixed term and the partnership is dissolved before the expiration of that term otherwise than by the death of a partner, the court may order the repayment of the premium, or of such part thereof as it thinks just, having regard to the terms of the partnership contract and to the length of time during which the partnership has continued, unless,

- (a) the dissolution is, in the judgment of the court, wholly or chiefly due to the misconduct of the partner who paid the premium; or
- (b) the partnership has been dissolved by an agreement containing no provision for a return of a part of the premium. R.S.O. 1960, c. 288, s. 40.

Rights where
partnership
dissolved for
fraud or mis-
representa-
tions

41. Where a partnership contract is rescinded on the ground of the fraud or misrepresentation of one of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled,

- (a) to a lien on, or right of retention of, the surplus of the partnership assets, after satisfying the partnership liabilities, for any sum of money paid by him for the purchase of a share in the partnership and for any capital contributed by him; and
- (b) to stand in the place of the creditors of the firm for any payments made by him in respect of the partnership liabilities; and
- (c) to be indemnified by the person guilty of the fraud or making the representation against all the debts and liabilities of the firm. R.S.O. 1960, c. 288, s. 41.

42.—(1) Where any member of a firm dies or otherwise ceases to be a partner and the surviving or continuing partners carry on the business of the firm with its capital or assets without any final settlement of accounts as between the firm and the outgoing partner or his estate, then, in the absence of an agreement to the contrary, the outgoing partner or his estate is entitled, at the option of himself or his representatives, to such share of the profits made since the dissolution as the court finds to be attributable to the use of his share of the partnership assets, or to interest at the rate of 5 per cent per annum on the amount of his share of the partnership assets.

Right of outgoing partner as to share in profits after dissolution

(2) Where by the partnership contract an option is given to surviving or continuing partners to purchase the interest of a deceased or outgoing partner and that option is duly exercised, the estate of the deceased partner, or the outgoing partner or his estate, as the case may be, is not entitled to any further or other share of profits, but if any partner, assuming to act in exercise of the option, does not in all material respects comply with the terms thereof, he is liable to account under the foregoing provisions of this section. R.S.O. 1960, c. 288, s. 42.

Proviso as to option of remaining partners to purchase share

43. Subject to any agreement between the partners, the amount due from surviving or continuing partners to an outgoing partner or the representatives of a deceased partner in respect of the outgoing or deceased partner's share, is a debt accruing at the date of the dissolution or death. R.S.O. 1960, c. 288, s. 43.

Retiring or deceased partner's share to be a debt

44. In settling accounts between the partners after a dissolution of partnership, the following rules shall, subject to any agreement, be observed:

Rules for distribution of assets on final settlement of accounts

1. Losses, including losses and deficiencies of capital, are to be paid first out of profits, next out of capital, and lastly, if necessary, by the partners individually in the proportion in which they were entitled to share profits.

2. The assets of the firm, including the sums, if any, contributed by the partners to make up losses or deficiencies of capital, are to be applied in the following manner and order:

- (a) in paying the debts and liabilities of the firm to persons who are not partners therein;
- (b) in paying to each partner rateably what is due from the firm to him for advances as distinguished from capital;
- (c) in paying to each partner rateably what is due from the firm to him in respect of capital;
- (d) the ultimate residue, if any, is to be divided among the partners in the proportion in which profits are divisible. R.S.O. 1960, c. 288, s. 44.

Saving as
to rules of
equity and
common law

45. The rules of equity and of common law applicable to partnership continue in force, except so far as they are inconsistent with the express provisions of this Act. R.S.O. 1960, c. 288, s. 45.

Act to be
subject to
R.S.O. 1970,
cc. 247, 340

46. This Act is to be read and construed as subject to *The Limited Partnerships Act* and *The Partnerships Registration Act*. R.S.O. 1960, c. 288, s. 46.

CHAPTER 340

The Partnerships Registration Act

1.—(1) Persons associated in partnership for trading, manufacturing or mining purposes shall cause to be filed with the registrar of the registry division in which they carry on or intend to carry on business a declaration in writing in Form 1 signed by all the members of the partnership.

Persons in partnership to deliver a declaration to the registrar

(2) When at the time of making the declaration any member is absent from the place where the partnership carries on or intends to carry on business, the declaration shall be signed by the members present in their own names and also for any absent member, under his special authority to that effect, and such special authority shall be annexed to the declaration and shall be filed with the registrar at the same time as the declaration. R.S.O. 1960, c. 289, s. 1.

Absent parties

2. The declaration shall state,

Requisites of declaration

- (a) the names, surnames, additions and residences of every partner;
- (b) the name under which they carry on or intend to carry on business;
- (c) the time during which the partnership has subsisted;
- (d) that the persons therein named are the only members of the partnership; and
- (e) which of the partners are of the full age of twenty-one years and, where any of the partners are under the full age of twenty-one years, the date of birth of each of such partners. R.S.O. 1960, c. 289, s. 2.

3.—(1) Every declaration shall be filed within sixty days next after the formation of the partnership or, in the case of a declaration under section 8, within sixty days of the time when the name or designation is first used, but a judge of a county or district court may extend the period for filing upon being satisfied by affidavit or affidavits, which shall be filed with the declaration, that the failure to register arose from misadventure, ignorance or some other cause that constitutes a reasonable excuse and that the partners or other declarant have acted and are acting in good faith. R.S.O. 1960, c. 289, s. 3.

When declaration to be filed

(2) Where, after filing a declaration under section 1 or 8, the person or persons who caused the declaration to be filed com-

Idem

mence to carry on business in another registry division, the sixty-day period mentioned in subsection 1 runs from the date of such commencement for the purpose of filing the declaration with the registrar of such other registry division. 1965, c. 95, s. 1.

Declaration where change in partnership

4.—(1) A similar declaration shall in like manner be filed whenever any change takes place in the membership of the partnership or in the name under which it carries on business, and every such declaration shall state the change in the membership of the partnership or in its name.

When to be filed

(2) The declaration shall be filed within sixty days after the change takes place. R.S.O. 1960, c. 289, s. 4.

Effect of allegations in the declaration

5. The statements made in any declaration are not controvertible by any person who has signed it nor as against any person not being a member of the partnership by any person who has signed it, or who was actually a member of the partnership therein mentioned at the time the declaration was made. R.S.O. 1960, c. 289, s. 5, *amended*.

Declaration of dissolution of partnership

6. Upon the dissolution of a partnership any or all of the persons who composed the partnership may sign a declaration in Form 2 certifying the dissolution of the partnership. R.S.O. 1960, c. 289, s. 6.

Position of persons signing declaration

7.—(1) Until a new declaration is made and filed by him, or by his partners or any of them, no person who signed the declaration filed shall be deemed to have ceased to be a partner.

Liability of partners failing to make declaration

(2) Nothing herein exempts from liability any person who being a partner, fails to make and file the prescribed declaration, and such person may, notwithstanding such omission, be sued jointly with the partners mentioned in the declaration, or they may be sued alone, and, if judgment is recovered against them, he may be sued on the original cause of action upon which the judgment was recovered. R.S.O. 1960, c. 289, s. 7.

Where business name indicates plurality

8.—(1) Every person engaged in business for trading, manufacturing or mining purposes who is not associated in partnership with any other person but uses as his business style,

(a) a name or designation other than his own name; or

(b) his own name with the addition of the expression “and company” or some other expression indicating a plurality of members in the firm,

shall sign a declaration and file it with the registrar of the registry division in which he carries on or intends to carry on business.

(2) The declaration shall state,

Requisites
of declara-
tion

- (a) the name, surname, addition and residence of the person making the declaration;
- (b) the name or designation under which he carries on or intends to carry on business, and the date when the name or designation was first used by him;
- (c) that no other person is associated with him in partnership; and
- (d) that he is of the full age of twenty-one years or the date of his birth if he is under the age of twenty-one years. R.S.O. 1960, c. 289, s. 8.

9.—(1) No partnership in respect of which a declaration has not been filed as required by this Act and no member thereof is capable of maintaining any action or other proceeding in any court in Ontario in respect of any contract made in connection with the business carried on by the partnership.

Failure to
file declara-
tion

(2) No person who has failed to file a declaration as required by section 8 is capable of maintaining any action or other proceeding in any court in Ontario in respect of any contract made in connection with the business in respect of which a declaration is required to be filed. R.S.O. 1960, c. 289, s. 9.

Idem

10. Every person who fails to comply with any of the provisions of this Act or who knowingly makes any false statement in any declaration signed or filed by him under this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100. R.S.O. 1960, c. 289, s. 10.

Offence

11. Upon the performance of any official function under this Act, the registrar is entitled to such fees as are prescribed by the regulations under this Act. 1965, c. 95, s. 2, *part*.

Fees

12. The registrar shall keep such records of declarations filed under this Act as are required by the regulations under this Act. 1965, c. 95, s. 2, *part*.

Records

13. This Act does not apply to associations of individuals formed for the manufacture of butter or cheese, where such individuals contribute produce from their dairies for that purpose. R.S.O. 1960, c. 289, s. 13.

Butter or
cheese manu-
facturing
associations
excepted

14. Nothing in this Act affects the rights of partners with regard to each other. R.S.O. 1960, c. 289, s. 14.

Rights of
partners
inter se

15.—(1) The Lieutenant Governor in Council may make regulations,

Regulations

- (a) respecting the books and records to be kept by registrars of deeds for the purposes of this Act;
- (b) requiring the payment of fees to registrars of deeds upon the performance of any official function under this Act and prescribing the amounts thereof;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1962-63, c. 102, s. 2.

Idem

(2) Notwithstanding sections 1 and 8, where there are in a county or district, or in two or more counties united for judicial purposes, two or more registry divisions, the Lieutenant Governor in Council may by regulation,

- (a) provide for the filing of declarations under this Act in the registry office for the registry division that includes the whole or the major part of the county town; and
- (b) provide for the transfer of declarations and other records from a registry office to another registry office. 1965, c. 95, s. 3.

CENTRAL REGISTRY

Central
registry
R.S.O. 1970,
c. 247

16. Notwithstanding anything in this Act or in *The Limited Partnerships Act*, the Lieutenant Governor in Council may make regulations providing for the establishment of a central registry of all declarations, certificates and records under this Act and under *The Limited Partnerships Act* and may in the regulations make provision,

- (a) for the filing in the central registry of declarations under this Act and certificates under *The Limited Partnerships Act* in respect of any registry division;
- (b) respecting the books and records to be kept in the central registry;
- (c) requiring the payment of fees to the Registrar of Partnerships upon the performance of any official function under this Act;
- (d) prescribing forms and providing for their use;
- (e) providing for the microfilming of declarations and certificates filed in the central registry;
- (f) governing the custody and destruction of declarations and certificates filed in the central registry. 1968-69, c. 91, s. 1, *part*.

Registrar of
Partner-
ships

17.—(1) There shall be a Registrar of Partnerships who, subject to subsection 2, shall be appointed by the Lieutenant Governor in Council.

(2) Until such time as a Registrar of Partnerships is appointed under subsection 1, the registrar for the registry division of Toronto is *ex officio* the Registrar of Partnerships and shall act under the direction of the Inspector of Legal Offices.

Idem

(3) The Registrar of Partnerships may designate one or more persons on the staff of his office to act on his behalf.

Deputies

(4) It shall be the function of the Registrar of Partnerships to supervise the operation of the central registry and the centralization of records under this Act.

Functions

(5) The Registrar of Partnerships shall have a seal of office in such form as the Lieutenant Governor in Council may approve. 1968-69, c. 91, s. 1, *part*.

Seal

18. The central registry may be located in such place as the Lieutenant Governor in Council may order and until such an order is made shall be operated in conjunction with the registry office for the registry division of Toronto. 1968-69, c. 91, s. 1, *part, amended*.

Location
of central
registry

19. Sections 16, 17 and 18 do not come into force until a day to be named by the Lieutenant Governor by his proclamation. 1968-69, c. 91, s. 2, *amended*.

Coming into
force of ss.
16, 17, 18

FORM 1
(Section 1(1))

DECLARATION OF PARTNERSHIP

County (*or* District) of

We,, of in (*occupation*)
and of in
..... (*occupation*), hereby certify

1. That we have carried on and intend to carry on (*or* we intend to carry on) trade and business as at in partnership, under the name of

2. That the said partnership has subsisted since the day of, 19.....

3. That we are and have been since the said day the only members of the said partnership.

4. That the said are of the full age of twenty-one years.
(*Where any of the partners are under the age of twenty-one years, add*)

5. That the said was born on the day of, 19.....

Witness our hands at this day of, 19.....

FORM 2
(Section 6)

DECLARATION OF DISSOLUTION OF PARTNERSHIP

County (*or* District) of
I,, formerly a member of the
firm carrying on business as,
at, in the of, under
the name of do hereby certify that the said
partnership was on the day of, 19...., dissolved.
Witness my hand, at, this day of
....., 19....

R.S.O. 1960, c. 289, Form 2.

CHAPTER 341

The Pawnbrokers Act

1. In this Act,

(a) “municipality” means a city, town, village or township;

(b) “pawnbroker” means a person who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon;

(c) “pawner” means a person who delivers an article for pawn to a pawnbroker;

(d) “pledge” means an article pawned with a pawnbroker;

(e) “shop” includes any place where the business of a pawnbroker is carried on. 1966, c. 111, s. 1.
- Interpre-tation

2.—(1) No person shall carry on the business of a pawnbroker unless he obtains a licence therefor under the hand of the treasurer of the municipality in which he carries on or proposes to carry on business or unless he obtains a renewal of his licence annually, but no licence shall be issued or renewed unless under the authority of a by-law of the municipality.

Licences

(2) The sum of \$60, or such other sum as the council of the municipality may prescribe, shall be paid for every licence or renewal thereof to the treasurer for the use of the municipality. 1966, c. 111, s. 2.

Fee for licence

3. No person shall, by virtue of one licence, carry on business as a pawnbroker in more than one shop. 1966, c. 111, s. 3.

Licence to cover only one shop

4. Where two or more persons carry on business as pawnbrokers in partnership in the same shop, only one licence is necessary. 1966, c. 111, s. 4.

Licence to partners

5. Every pawnbroker shall give to the municipality security to the satisfaction of the treasurer in the sum of \$2,000 for the due observance by him of this Act. 1966, c. 111, s. 5.

Security

6. Every pawnbroker shall,

(a) keep exhibited in large, legible characters on a sign over the front door of his shop his name and the word “Pawnbroker”; and

(b) keep displayed conspicuously in his shop a notice in
- Business sign and notice of rights, rates and charges

large, legible characters so as to be visible to persons pawning articles or redeeming pledges, showing,

- (i) rights of redemption of pledges,
- (ii) rates of interest authorized by law to be taken by pawnbrokers for sums lent, and
- (iii) maximum charges authorized by this Act. 1966, c. 111, s. 6.

Restrictions
upon pawn-
brokers

7. A pawnbroker shall not,

- (a) purchase any article or receive or take any article in pawn from any person who appears to the pawnbroker to be under the age of eighteen years or to be under the influence of alcohol or drugs;
- (b) purchase or take in pawn a pawnticket issued by himself or any other pawnbroker;
- (c) employ or permit any person under sixteen years of age to take any pledge in pawn;
- (d) carry on business as a pawnbroker on Sunday, Good Friday, Christmas Day or any day appointed by proclamation of the Governor General or the Lieutenant Governor as a public holiday, or on any other day before 8 o'clock in the morning or after 8 o'clock in the evening;
- (e) purchase, sell or otherwise deal with any pledge while in pawn with him, except in accordance with this Act;
- (f) suffer any pledge while in pawn with him to be redeemed with a view to his purchasing it;
- (g) make any contract or agreement with any person pawning or offering to pawn any article, or with the owner thereof, for the purchase, sale or disposition thereof, within the time of redemption;
- (h) take in pawn any cross, medal, insignia or other decoration granted by or with the approval of Her Majesty; or
- (i) melt any gold, silver, platinum or other precious metal that was pawned with him, that was not redeemed, and that has become his absolute property under this Act, unless he has been authorized so to do by the council of the municipality in which he carries on business. 1966, c. 111, s. 7.

Pawn-
broker's
book

8.—(1) Every pawnbroker who takes an article in pawn shall, before any money is lent thereon, enter in a book to be kept by him for that purpose,

- (a) the day, month and year in which the pledge was taken;
- (b) the full name, address and a description of the person delivering the article for pawn reasonably sufficient to

identify such person, including sex, and estimated age, height, complexion and full particulars of identification if produced and, where the person who delivers the article for pawn states that he is the agent of its owner for the purpose of pawning it, the name and address of the owner;

- (c) a description of the pledge reasonably sufficient to identify it; and
- (d) the sum lent on the pledge.

(2) Where a person tendering an article for pawn refuses or is unable to produce any identification, the pawnbroker shall enter in his book a note thereof, which shall be deemed to constitute compliance with the identification requirements of clause *b* of subsection 1.

Where no
identi-
fication

(3) The entries shall be numbered in the book consecutively in the order in which the articles are pawned. 1966, c. 111, s. 8.

Entries
to be
numbered
con-
secutively

9. At the time of taking an article in pawn, the pawnbroker shall give the pawner a pawnticket containing,

Pawnticket

- (a) the pawnbroker's name and business address;
- (b) the name of the pawner;
- (c) the day, month and year in which the pledge was taken in pawn;
- (d) the number of the entry of the pledge in the pawnbroker's book;
- (e) a description of the pledge;
- (f) the sum lent on the pledge;
- (g) the rate of interest charged for the sum lent;
- (h) the charge for the pawnticket; and
- (i) the charge for storage, if any. 1966, c. 111, s. 9.

10. Where a pawnbroker has reasonable cause to suspect that an article offered to him has been stolen or otherwise unlawfully obtained, he shall forthwith report the matter to a member of the police force of the municipality in which he carries on business. 1966, c. 111, s. 10.

Where
article
suspected
to have
been stolen

11. Every pawnbroker shall keep up to date during each year a list, arranged alphabetically, of the names of the persons who have pawned articles with him, and each such list shall be kept for not less than one year after the end of the year during which it was compiled. 1966, c. 111, s. 11.

Alphabetical
list of
pawners

12.—(1) Every pawnbroker shall before noon of every business day make a report either for the chief of police or for such

Daily report
to police

other person as is designated by by-law of the council of the municipality. 1966, c. 111, s. 1 (1), *amended*.

Contents

(2) Such reports shall contain, in respect of every transaction made on the next preceding business day, all the information required under section 8 to be entered in the pawnbroker's book.

Form

(3) Such reports may be on forms to be furnished by the municipality or may be copies of the pawnbroker's book reproduced by any means whatsoever so long as the copy is legible. 1966, c. 111, s. 12 (2, 3).

Identification of pledge

13. Each pledge shall be identified by a number that corresponds with the number of the pawnticket and the entry of the transaction in the pawnbroker's book, and, when the pledge is redeemed, the pawnbroker shall record the amount of interest taken and his charges and shall keep the record for not less than one year after redemption. 1966, c. 111, s. 13.

Inspection by police

14. Every police officer and constable shall at all times be given access to and may inspect a pawnbroker's books, papers and pledges, and when so engaged may have with him such other persons as he considers advisable. 1966, c. 111, s. 14.

Production of ticket

15. Except as hereinafter provided, a pawnbroker is not bound to deliver a pledge until the pawnticket for it is produced and delivered to him. 1966, c. 111, s. 15.

Rights of holder of ticket

16. The holder for the time being of a pawnticket shall, as between the pawner and the pawnbroker, be presumed to be the person entitled to redeem the pledge, and, subject to this Act, the pawnbroker shall accordingly, on payment of the sum lent, lawful interest and charges, deliver the pledge to the person producing the pawnticket. 1966, c. 111, s. 16.

Pawnticket may be non-transferable

17. Notwithstanding section 16, where a pawnbroker and a pawner agree that the pawnticket shall not be transferable and such condition is clearly shown upon the pawnticket, the pawner only may redeem the pledge. 1966, c. 111, s. 17.

Liability of pawnbroker in case of fire

18.—(1) Where a pledge is destroyed or damaged by or in consequence of fire, lightning or tempest or any additional peril defined in a standard fire insurance additional perils supplemental contract, the pawnbroker nevertheless is liable, on application within the period during which the pledge would have been redeemable, to pay the value of the pledge after deducting the sum lent, lawful interest and charges, such value to be the sum lent, lawful interest and charges and 25 per cent on the sum lent.

Insurable interest

(2) A pawnbroker has an insurable interest in the pledge to the extent of the value so estimated. 1966, c. 111, s. 18.

19. Where the sum lent upon a pledge is \$15 or less, it may be redeemed at any time within one year after the day on which it was pawned by tendering to the pawnbroker the pawnticket, the sum borrowed and the lawful interest and charges, and, if it is not so redeemed, it becomes the pawnbroker's absolute property. 1966, c. 111, s. 19.

Right of redemption where sum lent \$15 or less

20.—(1) Where the sum lent upon a pledge is more than \$15 but not more than \$30, the pawnbroker may at any time after it has been in pawn for at least one year send to the pawner by first-class prepaid mail to the address shown in his book to be the address of the pawner a notice identifying the transaction and stating that, unless the pledge is redeemed within the fifteen days next after the day of mailing the notice, it becomes the pawnbroker's absolute property.

Idem, where sum lent is more than \$15 and not more than \$30

(2) Any such pledge may be redeemed at any time within the fifteen days next after the day of mailing the notice by tendering to the pawnbroker the pawnticket, the sum borrowed and the lawful interest and charges, and, if it is not so redeemed, it becomes the pawnbroker's absolute property. 1966, c. 111, s. 20.

Idem

21.—(1) Where the sum lent upon a pledge is more than \$30, the pawnbroker may at any time after it has been in pawn for at least one year send to the pawner by first-class prepaid mail to the address shown by his book to be the address of the pawner a notice identifying the transaction and stating that, unless the pledge is redeemed within the fifteen days next after the day of mailing the notice, a final notice will be published in a newspaper having general circulation in the municipality in which the pawnbroker carries on business identifying the transaction and stating that, unless the pledge is redeemed within the fifteen days next after the day of publication of the notice, it becomes the pawnbroker's absolute property.

Idem, where sum lent is more than \$30:

notice by mail and newspaper

(2) If the pledge is not redeemed within the fifteen days next after the mailing of the first notice mentioned in subsection 1, the pawnbroker may at any time thereafter give the final notice mentioned in that subsection.

Idem

(3) Any such pledge may be redeemed at any time within the fifteen days next after the mailing of the first notice mentioned in subsection 1 or within the fifteen days next after the day of publication of the final notice mentioned in that subsection, as the case may be, by tendering to the pawnbroker the pawnticket, the sum borrowed and the lawful interest and charges, and, if it is not so redeemed, it becomes the pawnbroker's absolute property. 1966, c. 111, s. 21.

Idem

22.—(1) The one-year period mentioned in sections 19, 20 and 21 commences on the day following the day on which the pledge

Calculation of 1-year period

was put in pawn and ends with the close of business on the 365th day thereafter.

Calculation
of 15-day
period

(2) The fifteen-day period mentioned in sections 20 and 21 commences on the day following the day on which the notice was mailed or the final notice was published, as the case may be, and ends with the close of business on the fifteenth day thereafter.

Exception

(3) When a period mentioned in subsection 1 or 2 ends on a day on which business is not carried on, the next business day is included in the period. 1966, c. 111, s. 22.

Affidavit
as to
notices

23. As soon as a notice mentioned in section 20 or 21 has been sent or published, the pawnbroker shall make or cause to be made an affidavit as to the sending or publication, as the case may be, of the notice, and such affidavit shall be kept by the pawnbroker for at least two years. 1966, c. 111, s. 23.

Where
pledge not
given back
upon tender
of moneys
owing

24.—(1) If, during the period that a pledge is redeemable, the pawner tenders to the pawnbroker the pawnticket, the sum lent and the lawful interest and charges and the pawnbroker neglects or refuses without reasonable cause to deliver back the goods so pawned, the pawner may make oath thereof before a justice of the peace, who shall summon such person before him, and shall examine on oath the parties and their witnesses touching the matter.

Tender and
consequences
of refusal

(2) If tender of the pawnticket with the sum lent and the lawful interest and charges is proved to have been made within such time, then, on payment by the pawner of the total amount owed or, if the pawnbroker refuses to accept such amount on tender before the justice, the justice shall, by order, direct the pledge to be forthwith delivered to the pawner or, if it is not so delivered, shall direct the pawnbroker to make satisfaction for the value thereof to be fixed by the justice in accordance with section 18, and, if the pawnbroker neglects or refuses to deliver up the pledge or to make satisfaction for the value so fixed, the justice shall commit him to imprisonment for a period of not more than three months or until he delivers up the pledge or makes satisfaction for the value so fixed. 1966, c. 111, s. 24.

Compensa-
tion for
depreciation
of pledge

25. If a person entitled and offering to redeem a pledge shows to the satisfaction of a justice of the peace that the pledge has become or has been rendered of less value than it was at the time of the pawning thereof by or through the default, neglect or wilful misbehaviour of the pawnbroker, the justice may award a reasonable satisfaction to the owner of the pledge in respect of the damage, and the amount awarded shall be deducted from the amount payable to the pawnbroker or shall be paid by the pawnbroker, as the case requires, in such manner as the justice

may direct, and in case of default the pawnbroker is liable to the punishment mentioned in section 24. 1966, c. 111, s. 25.

26.—(1) Any person claiming to be entitled to redeem a ^{Lost}pledge but not holding the pawnticket may apply to the pawn-^{pawntickets}broker for a copy of the pawnticket and a printed form of affidavit, which the pawnbroker shall deliver to him upon payment of the charge therefor.

(2) If the claimant proves to the satisfaction of a justice of the ^{Idem}peace his right to redeem the pledge and on or before the third day after the day on which the form of affidavit is delivered to him by the pawnbroker, exclusive of days on which the pawnbroker is prohibited from carrying on business, delivers back to the pawnbroker the affidavit duly sworn and endorsed with a certificate of the justice that such proof has been made, the claimant has, as between him and the pawnbroker, all the rights and remedies that he would have had if he had produced his pawnticket.

(3) The pawnbroker is not bound to deliver the pledge to any ^{Idem}person until the expiration of such three days.

(4) The pawnbroker shall be indemnified for delivering the ^{Idem}pledge, or otherwise acting in conformity with the affidavit and certificate, unless he has notice that the affidavit is fraudulent or false in a material particular. 1966, c. 111, s. 26.

27. In addition to his profit on the sum lent, being interest ^{Maximum}thereon at not more than the lawful rate, a pawnbroker is entitled ^{charges}to make the following charges:

1. For a pawnticket, not more than 20 cents.
2. For storage of a pledge, not more than 10 cents per month per cubic foot or part thereof of storage space taken up by the pledge.
3. For a copy of a pawnticket and printed form of affidavit, not more than 20 cents. 1966, c. 111, s. 27.

28.—(1) Every person or pawnbroker, as the case may be, ^{Offence}who without reasonable excuse contravenes or fails to comply with any of the provisions of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

(2) An information may be laid for any offence against this Act ^{Limitation}within twelve months next after the offence was committed. 1966, c. 111, s. 28.

CHAPTER 342

The Pension Benefits Act**1.—(1)** In this Act,Interpre-
tation

- (a) “Commission” means the Pension Commission of Ontario;
- (b) “designated province” means a province or territory of Canada that is designated by regulation as a province or territory in which there is in force legislation substantially similar to this Act;
- (c) “employee” means an individual who performs service in Ontario or in a designated province for a continuous period of not less than six months under a contract of service or of apprenticeship, and includes an officer or director of a corporation or of an unincorporated organization and an agent acting for his principal on a substantially full-time basis;
- (d) “employer” means, in relation to an employee, the person, partnership, firm, association, institution or other unincorporated organization or corporation, wherever incorporated, carrying on business or established in Ontario, from whom the employee receives his remuneration, and includes,
 - (i) the successors or assigns of the employer, and
 - (ii) Her Majesty in right of Ontario, an agent of Her Majesty, a municipality as defined in *The Department of Municipal Affairs Act*, and a metropolitan municipality and the local boards thereof;
- (e) “life annuity” means an annuity that continues for the duration of the life of the annuitant, whether or not it is thereafter continued to some other person, and “deferred life annuity” means a life annuity that commences at retirement age under a pension plan, but in any event not later than age seventy years;
- (f) “Minister” means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;
- (g) “pension benefit” means the aggregate annual, monthly or other periodic amounts to which an employee will become entitled upon retirement or to which any other person is entitled by virtue of his death after retirement

R.S.O. 1970,
c. 118

under a pension plan, and “pension benefit credit” means the value at a particular time of the pension benefits and any other benefits provided under the pension plan to which an employee has become entitled;

- (h) “pension plan” means a superannuation or pension fund or plan organized and administered to provide a pension benefit for employees, and includes,
 - (i) a unit benefit plan under which pension benefits are determined with reference to remuneration of an employee for each year of service, or for a selected number of years of service,
 - (ii) a money purchase plan under which pension benefits are determined at the retirement of an employee with reference to the accumulated amount of the aggregate contributions paid by or for the credit of the employee,
 - (iii) a flat benefit plan under which the pension benefits are expressed either as a fixed amount in respect of each year of employment or as a fixed periodic amount, and
 - (iv) a deferred profit sharing pension plan other than a profit sharing plan as defined in sections 51 and 53 of *The Corporations Tax Act*;
- (i) “qualification date” means, in respect of employment in Ontario, the 1st day of January, 1965, and, in respect of employment in a designated province, the date upon which, under the law of such province, a pension plan is required to maintain its qualification for registration;
- (j) “registered pension plan” means a pension plan that is registered with and certified by the Commission as a plan organized and administered in accordance with this Act;
- (k) “regulations” means the regulations made under this Act;
- (l) “service for a continuous period” means service for a period of time without regard to periods of temporary suspension of employment;
- (m) “Superintendent” means the Superintendent of Pensions;
- (n) “supplemental pension plan” includes a pension plan established for employees whose membership in another pension plan is a condition precedent to membership in the supplemental pension plan;
- (o) “voluntary additional contribution” means an additional contribution by an employee to or under a

pension plan except a contribution the payment of which, under the terms of the plan, imposes upon the employer an obligation to make a concurrent additional contribution to or under the plan. 1965, c. 96, s. 1 (1), *amended*.

(2) For the purposes of this Act, a person shall be deemed to be employed in the province in which the establishment of his employer to which he reports for work is situated, and, where the employee is not required to report for work at any establishment of his employer, he shall be deemed to be employed in the province in which the establishment of his employer from which his remuneration is paid is situated.

Province in
which
person
deemed
employed

(3) In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails. 1965, c. 96, s. 1 (2, 3).

Conflict

2.—(1) The Pension Commission of Ontario is continued and shall be composed of not fewer than five and not more than nine members as the Lieutenant Governor in Council from time to time may determine.

Pension
Commission
continued

(2) The Lieutenant Governor in Council shall appoint the chairman, the vice-chairman and the other members of the Commission, each of whom shall hold office for a term of three years, except that, of those first appointed, one-third, or as nearly as may be, shall be appointed for a term of one year, one-third, or as nearly as may be, for a term of two years, and the remainder for a term of three years.

Appoint-
ments

(3) Every member of the Commission is eligible for reappointment upon the completion of his term of office. 1965, c. 96, s. 2.

Reappoint-
ment

3. In the event of the absence of the chairman and the vice-chairman, such member of the Commission as the members of the Commission designate for the purpose shall act as and have the powers of the chairman. 1965, c. 96, s. 3.

Acting
chairman

4. The Lieutenant Governor in Council may fill any vacancy that occurs from time to time in the membership of the Commission. 1965, c. 96, s. 4.

Vacancies

5. One-half or more of the members of the Commission constitute a quorum, whether or not a vacancy exists in the membership of the Commission. 1965, c. 96, s. 5.

Quorum

6. The Commission may establish such administrative divisions as appear to be appropriate from time to time. 1965, c. 96, s. 6.

Adminis-
trative
divisions

Superintendent of Pensions

7.—(1) The Commission shall appoint the Superintendent of Pensions who shall be the chief administrative officer of the Commission.

Inspection

(2) The Superintendent or his duly authorized representative may, at any reasonable time,

- (a) inspect the books, files, documents and other records respecting a pension plan kept by an employer, an insurer, a trustee of the pension plan or any other person; and
- (b) require any employer, insurer, trustee of a pension plan or other person to furnish, in a form acceptable to the Commission, such information as the Commission considers necessary for the purpose of ascertaining whether this Act and the regulations have been or are being complied with. 1965, c. 96, s. 7.

Staff

8.—(1) The Commission may appoint such officers, clerks, servants and other members of its staff as it considers appropriate.

Terms of employment

(2) The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, salary ranges and the terms and conditions of employment of the members of its staff.

R.S.O. 1970, c. 387, applicable

(3) *The Public Service Superannuation Act* applies to the permanent members of the staff of the Commission and to those members of the Commission designated by the Lieutenant Governor in Council.

Security

(4) Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*. 1965, c. 96, s. 8.

Liability of members and employees of Commission

9. No member of the Commission and no employee thereof is personally liable for anything done by it or him in good faith under the authority of this Act or the regulations. 1965, c. 96, s. 9.

Functions and powers of Commission

10.—(1) It is the function of the Commission and it has power,

- (a) to promote the establishment, extension and improvement of pension plans throughout Ontario;
- (b) to accept for registration all pension plans required to be registered or filed for registration with the Commission under this Act, and to reject any pension plan that does not qualify for registration;

- (c) to administer and enforce this Act, and to cancel pension plan certificates of registration issued in respect of pension plans that,
 - (i) fail to meet the tests for solvency prescribed by the regulations, or
 - (ii) otherwise cease to qualify for registration under this Act;
- (d) to conduct surveys and research programs and to obtain statistics for the purposes of the Commission;
- (e) to assess, collect and retain for the purposes of the Commission fees for the registration and annual supervision of pension plans; and
- (f) to perform such other functions and discharge such other duties as are assigned to it from time to time by the Lieutenant Governor in Council.

(2) The Commission may, subject to the approval of the Lieutenant Governor in Council, Reciprocal agreements

- (a) enter into agreements with the authorized representatives of a designated province or the Government of Canada to provide for the reciprocal registration, audit and inspection of pension plans and for the establishment of a Canadian association of pension commissions;
- (b) authorize a Canadian association of pension commissions to carry out such duties on behalf of the Commission as the Commission may require; and
- (c) delegate to the pension commission or to the government of a designated province such functions and powers under this Act as the Commission may determine. 1965, c. 96, s. 10.

11. The moneys required for the purposes of the Commission, in addition to the fees and charges assessed under clause *e* of subsection 1 of section 10 and the fines imposed under section 29, shall be paid out of the moneys appropriated therefor by the Legislature. 1965, c. 96, s. 11. Appropriations

12. The accounts and financial transactions of the Commission shall be examined annually by the Provincial Auditor. 1965, c. 96, s. 12. Audit

13.—(1) The Commission shall make an annual report of the affairs of the Commission to the Minister. Annual report

(2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1965, c. 96, s. 13. Tabling

Actions for
deducting
sums

14. No action lies against any person for withholding, deducting, paying or crediting any sum of money in compliance or intended compliance with this Act. 1965, c. 96, s. 14.

Agreements
void

15. Where this Act requires an amount to be deducted, withheld, paid or credited, an agreement by the person on whom that obligation is imposed not to deduct, withhold, pay or credit such amount is void. 1965, c. 96, s. 15.

Pension
agency

16. The Lieutenant Governor in Council may establish or designate an agency for the purposes, among others, of receiving, holding and disbursing pension benefit credits under this Act. 1965, c. 96, s. 16.

Interpre-
tation

17.—(1) In this section,

- (a) “employee” means an employee or former employee who is a member of a pension plan;
- (b) “employer” includes the trustee or insurer under a pension plan.

Appoint-
ment of
beneficiaries
under
pension plan
validated

(2) Where in accordance with the terms of a pension plan an employee has designated a person or persons to receive a benefit payable under the plan in the event of the employee’s death,

- (a) the employer’s liability to provide the benefit is discharged upon payment to such person or persons of the amount of the benefit; and
- (b) such person or persons may upon the death of the employee enforce payment of the benefit, but the employer is entitled to set up any defence that he could have set up against the employee or his personal representatives.

Change of
designation

(3) An employee may from time to time alter or revoke a designation made under a pension plan, but any such alteration or revocation may be made only in the manner set forth in the plan.

Application
of
R.S.O. 1970,
c. 224

(4) This section does not apply to a designation of a beneficiary to which *The Insurance Act* applies. 1965, c. 96, s. 17.

Registration
of pension
plans
established
before
Jan. 1, 1965

18.—(1) Every employer of employees in Ontario covered by a pension plan established before the 1st day of January, 1965, shall, unless under the terms of the plan the employer is not required to make contributions to or under the plan,

- (a) file a copy of such pension plan with the Commission for registration on or before the 1st day of January, 1965, or as soon thereafter as the Commission may require; and
- (b) while such plan remains in force, maintain its qualification for registration as required by this Act.

(2) Every employer who establishes a pension plan for employees in Ontario on or after the 1st day of January, 1965, shall, unless under the terms of the plan the employer is not required to make contributions to or under the plan,

Pension plans established on or after Jan. 1, 1965

- (a) file a copy of the pension plan with the Commission for registration within sixty days after the establishment of the plan; and
- (b) while the plan is in force, maintain its qualification for registration as required by this Act.

(3) Notwithstanding subsections 1 and 2, a pension plan required to be registered shall be deemed to include a supplemental pension plan established by the employer under the terms of which the employer is not required to make contributions. 1965, c. 96, s. 18 (1-3).

Supplemental plan included

(4) Every employer of employees in Ontario covered by a pension plan shall file with the Commission annually an information return as prescribed by the regulations in respect of every pension plan administered by or on behalf of the employer or the employees. 1965, c. 96, s. 18 (4), *amended*.

Annual returns

19. The Commission shall accept for registration and issue its certificate in respect of each pension plan filed for registration under section 18 that in the opinion of the Commission is a pension plan organized and administered in accordance with this Act. 1965, c. 96, s. 19.

Acceptance of plans for registration

20. After a pension plan is filed with the Commission for registration, the Superintendent shall advise the Commission in writing of his opinion as to whether or not the plan is organized and administered in accordance with this Act, and no penalty shall be imposed upon an employer under this Act for failure to register a pension plan until the written opinion of the Superintendent has been received by the Commission and the Commission has notified the employer of its decision concerning registration of the plan by registered mail and sixty days have elapsed thereafter. 1965, c. 96, s. 20.

Procedure upon refusal to register

21.—(1) A pension plan filed for registration in accordance with section 18 shall contractually provide that,

Vesting and locking-in requirement

- (a) a member of the plan who has been in the service of the employer for a continuous period of ten years, or has been a member of the plan for such period, whichever first occurs, and who has attained the age of forty-five years, is entitled, upon termination of his employment prior to his attaining retirement age, or upon termination of his membership in the plan prior to his attaining retirement age, to a deferred life annuity commencing at

his normal retirement age equal to the pension benefits (except pension benefits provided by voluntary additional contributions) provided in respect of service as an employee in Ontario or in a designated province,

- (i) under the terms of the plan in respect of service on or after the qualification date,
 - (ii) by an amendment to the terms of the plan made on or after the qualification date, or
 - (iii) by the creation of a new pension plan on or after the qualification date;
- (b) both the pension benefits provided under the terms of the plan and the deferred life annuity prescribed by this section are not capable of assignment or alienation and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the pension benefits or the deferred life annuity capable of being assigned or otherwise alienated; and
- (c) upon termination of his employment or upon termination of his membership in the plan, a member of the plan who is entitled to a deferred life annuity under clause *a* is not entitled to withdraw any part of his contributions to or under the plan, except voluntary additional contributions, in respect of service in Ontario or in a designated province on or after the qualification date, and such contributions shall be applied under the terms of the plan toward the provision of the deferred life annuity required to be provided to the employee under clause *a*. 1965, c. 96, s. 21 (1).

No sur-
render or
commuta-
tion

(2) Notwithstanding any provision of a pension plan,

- (a) the deferred life annuity prescribed by subsection 1 is not capable of surrender or commutation during the lifetime of the employee and does not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the deferred annuity capable of being surrendered or commuted during the lifetime of the employee;
- (b) the pension benefits provided under the terms of the plan in respect of service after the qualification date are not, on or after the date of retirement of an employee, capable of surrender or commutation during his lifetime and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in such pension benefits capable of being surrendered or commuted during the lifetime of the employee; and

- (c) an employee shall not withdraw any part of his contributions, not including voluntary additional contributions, paid under the plan in respect of service in Ontario or in a designated province on or after the qualification date, other than after,

- (i) the termination of his employment, or
- (ii) the termination or winding up of the plan,

prior to his attaining retirement age and in circumstances where he is not entitled to a deferred life annuity under subsection 1. 1965, c. 96, s. 21 (2); 1968-69, c. 21, s. 1.

(3) Notwithstanding subsections 1 and 2, a pension plan may provide for, Exception,
small
annuities

- (a) vesting or locking in at an earlier age than forty-five years or upon service or membership in the plan for less than ten years, or for both; and
- (b) payment to an employee of an amount equal to the commuted value of the deferred life annuity or pension benefit to which the employee is entitled if the amount thereof payable to the employee at normal retirement age is less than \$10 a month payable during his lifetime.

(4) Notwithstanding subsections 1 and 2, where a pension plan so provides, an employee may receive in partial discharge of his rights under the plan as a lump sum, upon or after termination of employment or membership in the plan prior to his attaining normal retirement age as defined by the plan, an amount that in total does not exceed 25 per cent of the commuted value of the deferred life annuity prescribed by subsection 1. partial
commuta-
tion

(5) If a pension plan so provides, a person who is entitled to a deferred life annuity under subsection 1 may, before the commencement of payment of such life annuity, elect to receive, alternative
settlements

- (a) a deferred life annuity the amount of which is reduced or increased by reason of early or deferred retirement, by provision for the payment of an optional annuity to a survivor or to the estate of the employee, or by variation of the terms of payment of such annuity to any person after the employee's death; and
- (b) a payment or series of payments by reason of a mental or physical disability as prescribed by the regulations,

partly or wholly in lieu of the deferred life annuity described by subsection 1.

(6) If a pension plan so provides, an employee may, on or before attaining normal retirement age as defined by the plan, elect to receive an annuity the amount of which is varied by reference to benefits payable under the *Old Age Security Act* (Canada) or under any other pension plan administered by the integration
with
government
pension

R.S.C. 1952,
c. 200

Government of Canada or by the government of a province of Canada. 1965, c. 96, s. 21 (3-6).

winding up
of plan

(7) Notwithstanding any provision of a pension plan, upon termination or winding up of the pension plan all contributions made after the qualification date in respect of the deferred life annuity prescribed in subsection 1 to which any person is entitled shall be applied, subject to subsection 9 and to the extent not already applied, towards the provision of the pension benefits prescribed in subsection 1.

Determina-
tion of
benefits on
winding up
of plan

(8) For the purpose of determining the pension benefits to which a person may be entitled under subsection 1 at the date of termination or winding up of the pension plan,

- (a) each employee shall be deemed to have terminated his employment prior to attaining retirement age on the date of the termination or winding up of the plan; and
- (b) each former employee who retired on pension from the service of the employer shall be deemed to have terminated his employment prior to attaining retirement age but on the date of his retirement.

Reduction
of additional
benefits

(9) Notwithstanding subsections 1 and 2 and notwithstanding any provision of a pension plan, upon the termination or winding up of a pension plan where,

- (a) the benefits arising from the deferred life annuities prescribed in subsection 1 include additional pension benefits provided by an amendment to the terms of the plan made after the qualification date or by the creation of a plan after the qualification date, in respect of service prior to such amendment or creation; and
- (b) the funding of such additional pension benefits, as required by the regulations, has not been completed,

the amount of such additional pension benefits may be reduced in accordance with the regulations. 1968, c. 93, s. 1.

Contribution
and benefit
formulae

(10) A pension plan filed for registration in accordance with section 18 shall provide for contributions and benefits calculated in accordance with a formula prescribed by the regulations. 1965, c. 96, s. 21 (8).

Funding
and solvency
requirement
of plans

22.—(1) A pension plan filed for registration in accordance with section 18 shall contractually provide for,

- (a) funding, in accordance with the tests for solvency prescribed by the regulations, that is adequate to provide for payment of all pension benefits, deferred life annuities and other benefits required to be paid under the terms of the plan;

- (b) a written explanation to each member of the plan of the terms and conditions of the plan and amendments thereto applicable to him, together with an explanation of the rights and duties of the employee with reference to the benefits available to him under the terms of the plan and such other information as may be prescribed by the regulations; and
- (c) investment of pension fund moneys in the securities and loans prescribed by the regulations.

(2) Upon the termination or winding up of a pension plan filed for registration as required by section 18, the employer is liable to pay all amounts that would otherwise have been required to be paid to meet the tests for solvency prescribed by the regulations, up to the date of such termination or winding up, to the insurer, administrator or trustee of the pension plan.

Winding up
of plan

(3) No amendment of a pension plan consequent upon the coming into force of the *Canada Pension Plan* shall adversely affect the pension benefit credits of any member in respect of remuneration and service or membership in the plan prior to the 1st day of January, 1966. 1965, c. 96, s. 22.

No reduction
of present
benefits
because of
C.P.P.
1964-65,
c. 51 (Can.)

23. In any pension plan filed for registration in accordance with section 18,

Contents of
plans

- (a) the age and service conditions for membership shall not, in the opinion of the Commission, prevent the gradual accrual of benefits or the spreading of the employer's contributions over an employee's years of service in the class covered by the plan; and
- (b) provision for computation of the employer's contributions and of the pension benefit and, in the case of a deferred profit-sharing pension plan, the formula governing allocation of contributions and surplus amongst the members of the plan shall not be variable at the discretion of the employer,

unless in the opinion of the Commission the circumstances of the plan warrant otherwise. 1967, c. 72, s. 1, *part*.

24. Moneys payable under a pension plan shall not be assigned, charged, anticipated or given as security and are exempt from execution, seizure or attachment, and any transaction purporting to assign, charge, anticipate or give as security such moneys is void. 1967, c. 72, s. 1, *part*.

Pension
benefits not
alienable or
attachable

25.—(1) The Commission, when it is of the opinion that an employer has discontinued or is in the process of discontinuing a part or all of his business operations in which a substantial number of his employees who are members of a pension plan are

Declaration
of Commis-
sion that
a plan is
wound up

employed, may declare the pension plan wound up in whole or in part for the purposes of this Act on such date as the Commission in its discretion considers such business operations are discontinued.

Notification (2) The Commission shall notify the employer by registered mail that the pension plan is wound up in whole or in part under subsection 1.

Notice of objection (3) Where the employer objects to the declaration made by the Commission under subsection 1, he may within sixty days from the day of mailing of the notification of the Commission under subsection 2, serve on the Commission a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts. 1968, c. 93, s. 2.

Notice of objection **26.**—(1) Where the Commission refuses to accept for registration a pension plan filed for registration under this Act, or cancels a certificate of registration, the employer may, within sixty days of the day of mailing of a notification of refusal or cancellation of registration, serve on the Commission a notice of objection in duplicate in the prescribed form, setting out the reasons for the objection and all relevant facts. 1965, c. 96, s. 23 (1).

Service (2) A notice of objection under section 25 or this section shall be served by being sent by registered mail addressed to the Commission at Toronto. 1965, c. 96, s. 23 (2); 1968, c. 93, s. 3.

Review by Commission (3) Upon receipt of a notice of objection, the Commission shall with all due despatch reconsider its opinion, and vary or confirm its opinion, and it shall thereupon notify the employer of its actions by registered mail. 1965, c. 96, s. 23 (3).

Appeal to Court of Appeal **27.**—(1) Where an employer has served a notice of objection under section 25 or 26, he may appeal to the Court of Appeal,

- (a) within ninety days after the Commission has confirmed its opinion; or
- (b) after ninety days and before 180 days have elapsed after service of the notice of objection and the Commission has not notified the employer that it has confirmed or varied its opinion.

Filing of notice of appeal (2) An appeal to the court shall be instituted by filing with the Registrar of the court or by sending by registered mail addressed to him at Toronto three copies of a notice of appeal in such form as is determined by the rules of the court.

Trans-
mission to
Superin-
tendent (3) Upon receipt of the copies of the notice of appeal, the Registrar shall transmit two copies to the Superintendent.

(4) Immediately after receiving a copy of the notice of appeal, the Superintendent shall forward to the Registrar copies of all documents relevant to the appeal. Trans-
mission of
material

(5) An appeal may, in the discretion of the court, be heard *in camera* or in public, unless the appellant requests that it be heard *in camera*, in which case it shall be so heard. Hearings
in camera

(6) The court may dispose of an appeal by dismissing it, by referring the matters in issue back to the Commission for reconsideration, or by allowing the appeal. 1965, c. 96, s. 24 (1-6). Disposition
of appeals

(7) Where the court allows an appeal under this section, the Commission shall accept the pension plan for registration or reinstatement in accordance with the direction of the court, which may include conditions precedent to qualification for registration or reinstatement of the plan imposed upon the appellant. 1965, c. 96, s. 24 (7); 1968, c. 93, s. 4 (2). Executing
decision of
court

28. The Lieutenant Governor in Council may make regulations, Regulations

- (a) respecting methods of computing pension benefit credits and pension benefits and the commuted value of a deferred life annuity;
- (b) respecting the variation of pension benefits and deferred life annuities by reference to pensions payable under the *Old Age Security Act* (Canada) or under any other pension plan administered by the Government of Canada or by the government of a province of Canada; R.S.C. 1952,
c. 200
- (c) prescribing the classes of investments and loans, both qualitative and quantitative, in which pension fund moneys heretofore or hereafter accumulated may be invested, and governing the making of such investments and loans;
- (d) prescribing tests and standards for solvency of pension plans;
- (e) prescribing the conditions under which, upon termination of employment of an employee, upon termination of an employee's membership in a pension plan or upon the termination or winding up of a pension plan, pension benefit credits may be held in trust by the administrator, insurer or trustee of the pension plan, or transferred to the administrator, insurer or trustee of another pension plan or to a registered retirement savings plan or to the agency described in section 16;
- (f) designating employees or pension plans, or any class thereof, that are excepted from the application of this Act and the regulations;

- (g) designating any province or territory of Canada as a province or territory, as the case may be, in which there is in force legislation substantially similar to this Act;
 - (h) specifying service that shall be deemed not to be service in a designated province;
 - (i) prescribing mental or physical disability for the purpose of clause *b* of subsection 5 of section 21;
 - (j) providing for, regulating and governing the disposition of the assets of a pension plan that is discontinued, terminated or wound up;
 - (k) requiring the furnishing of information to the Commission in respect of pension plans;
 - (l) prescribing forms and providing for their use;
 - (m) prescribing fees for registration and the annual supervision of pension plans;
 - (n) prescribing approved contribution and benefit formulae in respect of pension plans required to be registered under this Act;
 - (o) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.
- 1965, c. 96, s. 25; 1968, c. 93, s. 5.

Penalties

29.—(1) Every person who contravenes any of the provisions of this Act or the regulations or who obstructs an officer or agent of the Commission in the performance of his duties is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$10,000.

Idem

(2) Every employer who is convicted of an offence under subsection 1 shall pay to the insurer, trustee or administrator of the pension plan in respect of which the offence was committed all amounts that the employer has wrongfully failed to pay as required by this Act and the regulations.

Idem

(3) Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

Disposition
of fines

(4) The fines recovered for offences against this Act shall be paid to the Commission. 1965, c. 96, s. 26.

CHAPTER 343

The Perpetuities Act

- 1.** In this Act,
- (a) “court” means the Supreme Court;
 - (b) “in being” means living or *en ventre sa mere*;
 - (c) “limitation” includes any provision whereby property or any interest in property, or any right, power or authority over property, is disposed of, created or conferred. 1966, c. 113, s. 1.
- 2.** Except as provided by this Act, the rule of law known as the rule against perpetuities continues to have full effect. 1966, c. 113, s. 2, *amended*.
- 3.** No limitation creating a contingent interest in real or personal property shall be treated as or declared to be invalid as violating the rule against perpetuities by reason only of the fact that there is a possibility of such interest vesting beyond the perpetuity period. 1966, c. 113, s. 3.
- 4.—(1)** Every contingent interest in real or personal property that is capable of vesting within or beyond the perpetuity period is presumptively valid until actual events establish,
- (a) that the interest is incapable of vesting within the perpetuity period, in which case the interest, unless validated by the application of section 8 or 9, shall be treated as void or declared to be void; or
 - (b) that the interest is incapable of vesting beyond the perpetuity period, in which case the interest shall be treated as valid or declared to be valid.
- (2)** A limitation conferring a general power of appointment, which but for this section would have been void on the ground that it might become exercisable beyond the perpetuity period, is presumptively valid until such time, if any, as it becomes established by actual events that the power cannot be exercised within the perpetuity period.
- (3)** A limitation conferring any power, option or other right, other than a general power of appointment, which but for this section would have been void on the ground that it might be exercised beyond the perpetuity period, is presumptively valid,
- Interpretation
- Rule against perpetuities to continue; saving
- Possibility of vesting beyond period
- Presumption of validity and “Wait and See”
- General power of appointment
- Special power of appointment, etc.

and shall be declared or treated as void for remoteness only if, and so far as, the right is not fully exercised within the perpetuity period. 1966, c. 113, s. 4, *amended*.

Applications
to determine
validity

5.—(1) An executor or a trustee of any property or any person interested under, or on the validity or invalidity of, an interest in such property may at any time apply to the court for a declaration as to the validity or invalidity with respect to the rule against perpetuities of an interest in that property, and the court may on such application make an order as to validity or invalidity of an interest based on the facts existing and the events that have occurred at the time of the application and having regard to sections 8 and 9.

Interim
income

(2) Pending the treatment or declaration of a presumptively valid interest within the meaning of subsection 1 of section 4 as valid or invalid, the income arising from such interest and not otherwise disposed of shall be treated as income arising from a valid contingent interest, and any uncertainty whether the limitation will ultimately prove to be void for remoteness shall be disregarded. 1966, c. 113, s. 5.

Measure-
ment of
perpetuity
period

6.—(1) Except as provided in section 9, subsection 3 of section 13 and subsections 2 and 3 of section 15, the perpetuity period shall be measured in the same way as if this Act had not been passed, but, in measuring that period by including a life in being when the interest was created, no life shall be included other than that of any person whose life, at the time the interest was created, limits or is a relevant factor that limits in some way the period within which the conditions for vesting of the interest may occur. 1966, c. 113, s. 6 (1); 1968, c. 94, s. 1.

Idem

(2) A life that is a relevant factor in limiting the time for vesting of any part of a gift to a class shall be a relevant life in relation to the entire class.

Idem

(3) Where there is no life satisfying the conditions of subsection 1, the perpetuity period is twenty-one years. 1966, c. 113, s. 6 (2, 3).

Pre-
sumptions
and evidence
as to future
parenthood

7.—(1) Where, in any proceeding respecting the rule against perpetuities, a question arises that turns on the ability of a person to have a child at some future time, then,

(a) it shall be presumed,

- (i) that a male is able to have a child at the age of fourteen years or over, but not under that age, and
- (ii) that a female is able to have a child at the age of twelve years or over, but not under that age or over the age of fifty-five years; but,

- (b) in the case of a living person, evidence may be given to show that he or she will or will not be able to have a child at the time in question.

(2) Subject to subsection 3, where any question is decided in relation to a limitation of interest by treating a person as able or unable to have a child at a particular time, then he or she shall be so treated for the purpose of any question that arises concerning the rule against perpetuities in relation to the same limitation or interest notwithstanding that the evidence on which the finding of ability or inability to have a child at a particular time is proved by subsequent events to have been erroneous. Idem

(3) Where a question is decided by treating a person as unable to have a child at a particular time and such person subsequently has a child or children at that time, the court may make such order as it sees fit to protect the right that such child or children would have had in the property concerned as if such question had not been decided and as if such child or children would, apart from such decision, have been entitled to a right in the property not in itself invalid by the application of the rule against perpetuities as modified by this Act. Idem

(4) The possibility that a person may at any time have a child by adoption, legitimation or by means other than by procreating or giving birth to a child shall not be considered in deciding any question that turns on the ability of a person to have a child at some particular time, but, if a person does subsequently have a child or children by such means, then subsection 3 applies to such child or children. 1966. c. 113, s. 7. Idem

8.—(1) Where a limitation creates an interest in real or personal property by reference to the attainment by any person or persons of a specified age exceeding twenty-one years, and actual events existing at the time the interest was created or at any subsequent time establish, Reduction of age

- (a) that the interest, would, but for this section, be void as incapable of vesting within the perpetuity period; but
- (b) that it would not be void if the specified age had been twenty-one years,

the limitation shall be read as if, instead of referring to the age specified, it had referred to the age nearest the age specified that would, if specified instead, have prevented the interest from being so void.

(2) Where the inclusion of any persons, being potential members of a class or unborn persons who at birth would become members or potential members of the class, prevents subsection 1 from operating to save a limitation creating an interest in favour of a class of persons from being void for remoteness, such persons Exclusion of class members to avoid remoteness

shall be excluded from the class for all purposes of the limitation, and the limitation takes effect accordingly.

Idem

(3) Where a limitation creates an interest in favour of a class to which subsection 2 does not apply and actual events at the time of the creation of the interest or at any subsequent time establish that, but for this subsection, the inclusion of any persons, being potential members of a class or unborn persons who at birth would become members or potential members of the class, would cause the limitation to the class to be void for remoteness, such persons shall be excluded from the class for all purposes of the limitation, and the limitation takes effect accordingly.

Interpre-
tation

(4) For the purposes of this section, a person shall be treated as a member of a class if in his case all the conditions identifying a member of the class are satisfied, and a person shall be treated as a potential member if in his case some only of those conditions are satisfied but there is a possibility that the remainder will in time be satisfied. 1966, c. 113, s. 8.

Spouses

9. Where any disposition is made in favour of any spouse of a person in being at the commencement of the perpetuity period, or where a limitation creates an interest in real or personal property by reference to the time of the death of the survivor of a person in being at the commencement of the perpetuity period and any spouse of that person, for the purpose of validating any such disposition or limitation, that but for this section would be void as offending the rule against perpetuities as modified by this Act, the spouse of such person shall be deemed to be a life in being at the commencement of the perpetuity period even though such spouse was not born until after that time. 1966, c. 113, s. 9.

Saving

10.—(1) A limitation that, if it stood alone, would be valid under the rule against perpetuities is not invalidated by reason only that it is preceded by one or more limitations that are invalid under the rule against perpetuities, whether or not such limitation expressly or by implication takes effect after, or is subject to, or is ulterior to and dependent upon, any such invalid limitation.

Acceleration
of expectant
interests

(2) Where a limitation is invalid under the rule against perpetuities, any subsequent interest that, if it stood alone, would be valid shall not be prevented from being accelerated by reason only of the invalidity of the prior interest. 1966, c. 113, s. 10.

Powers
of appoint-
ment

11.—(1) For the purpose of the rule against perpetuities, a power of appointment shall be treated as a special power unless,

- (a) in the instrument creating the power it is expressed to be exercisable by one person only; and
- (b) it could, at all times during its currency when that person is of full age and capacity, be exercised by him so

as immediately to transfer to himself the whole of the interest governed by the power without the consent of any other person or compliance with any other condition, not being a formal condition relating only to the mode of exercise of the power.

(2) A power that satisfies the conditions of clauses *a* and *b* of *Idem* subsection 1 shall, for the purpose of the rule against perpetuities, be treated as a general power.

(3) For the purpose of determining whether an appointment *Idem* made under a power of appointment exercisable by will only is void for remoteness, the power shall be treated as a general power where it would have been so treated if exercisable by deed. 1966, c. 113, s. 11.

12.—(1) The rule against perpetuities does not invalidate a power conferred on trustees or other persons to sell, lease, exchange or otherwise dispose of any property, or to do any other act in the administration (as opposed to the distribution) of any property including, where authorized, payment to trustees or other persons of reasonable remuneration for their services Administrative powers of trustees

(2) Subsection 1 applies for the purpose of enabling a power to be exercised at any time after this Act comes into force, notwithstanding that the power is conferred by an instrument that took effect before that time. 1966, c. 113, s. 12. Application of subs. 1

13.—(1) The rule against perpetuities does not apply to an option to acquire for valuable consideration an interest reversionary on the term of a lease, Options to acquire reversionary interests

(a) if the option is exercisable only by the lessee or his successors in title; and

(b) if it ceases to be exercisable at or before the expiration of one year following the determination of the lease.

(2) Subsection 1 applies to an agreement for a lease as it applies to a lease, and “lessee” shall be construed accordingly. Application of subs. 1

(3) In the case of all other options to acquire for valuable consideration any interest in land, the perpetuity period under the rule against perpetuities is twenty-one years, and any such option that according to its terms is exercisable at a date more than twenty-one years from the date of its creation is void on the expiry of twenty-one years from the date of its creation as between the person by whom it was made and the person to whom or in whose favour it was made and all persons claiming through either or both of them, and no remedy lies for giving effect to it or making restitution for its lack of effect. Other options

Options
to renew
leases

(4) The rule against perpetuities does not apply, nor do the provisions of subsection 3 of this section apply, to options to renew a lease. 1966, c. 113, s. 13.

Easements,
profits
à prendre,
etc.

14. In the case of an easement, *profit à prendre* or other similar interest to which the rule against perpetuities may be applicable, the perpetuity period is forty years from the time of the creation of such easement, *profit à prendre* or other similar interest, and the validity or invalidity of such easement, *profit à prendre* or other similar interest, so far as remoteness is concerned, shall be determined by actual events within such forty-year period, and the easement, *profit à prendre* or other similar interest is void only for remoteness if, and to the extent that, it fails to acquire the characteristics of a present exercisable right in the servient land within the forty-year period. 1966, c. 113, s. 14.

Deter-
minable
interests

15.—(1) In the case of,

- (a) a possibility of reverter on the determination of a determinable fee simple; or
- (b) a possibility of a resulting trust on the determination of any determinable interest in real or personal property,

the rule against perpetuities as modified by this Act applies in relation to the provision causing the interest to be determinable as it would apply if that provision were expressed in the form of a condition subsequent giving rise on its breach to a right of re-entry or an equivalent right in the case of personal property, and, where the event that determines the determinable interest does not occur within the perpetuity period, the provision shall be treated as void for remoteness and the determinable interest becomes an absolute interest.

Idem

(2) In the case of a possibility of reverter on the determination of a determinable fee simple, or in the case of a possibility of a resulting trust on the determination of any determinable interest in any real or personal property, or in the case of a right of re-entry following on a condition subsequent, or in the case of an equivalent right in personal property, the perpetuity period shall be measured as if the event determining the prior interest were a condition to the vesting of the subsequent interest, and failing any life in being at the time the interests were created that limits or is a relevant factor that limits in some way the period within which that event may take place, the perpetuity period is twenty-one years from the time when the interests were created.

Idem

(3) Even though some life or lives in being may be relevant in determining the perpetuity period under subsection 2, the perpetuity period for the purposes of this section shall not exceed a period of forty years from the time when the interests were

created and shall be the lesser of a period of forty years and a period composed of the relevant life or lives in being and twenty-one years. 1966, c. 113, s. 15.

16.—(1) A trust for a specific non-charitable purpose that creates no enforceable equitable interest in a specific person shall be construed as a power to appoint the income or the capital, as the case may be, and, unless the trust is created for an illegal purpose or a purpose contrary to public policy, the trust is valid so long as and to the extent that it is exercised either by the original trustee or his successor, within a period of twenty-one years, notwithstanding that the limitation creating the trust manifested an intention, either expressly or by implication, that the trust should or might continue for a period in excess of that period, but, in the case of such a trust that is expressed to be of perpetual duration, the court may declare the limitation to be void if the court is of opinion that by so doing the result would more closely approximate the intention of the creator of the trust than the period of validity provided by this section.

Specific non-charitable trusts

(2) To the extent that the income or capital of a trust for a specific non-charitable purpose is not fully expended within a period of twenty-one years, or within any annual or other recurring period within which the limitation creating the trust provided for the expenditure of all or a specified portion of the income or the capital, the person or persons, or his or their successors, who would have been entitled to the property comprised in the trust if the trust had been invalid from the time of its creation, are entitled to such unexpended income or capital. 1966, c. 113, s. 16.

Idem

17. The rule of law prohibiting the limitation, after a life interest to an unborn person, of an interest in land to the unborn child or other issue of an unborn person is hereby abolished, but without affecting any other rule relating to perpetuities. 1966, c. 113, s. 17.

Rule in *Whitby* vs. *Mitchell* abolished

18. The rules of law and statutory enactments relating to perpetuities do not apply and shall be deemed never to have applied to the trusts of a plan, trust or fund established for the purpose of providing pensions, retirement allowances, annuities, or sickness, death or other benefits, to employees or to their widows, dependants or other beneficiaries. 1966, c. 113, s. 18.

Rules as to perpetuities not applicable to employee-benefit trusts

19. Except as provided in subsection 2 of section 12 and in section 18, this Act applies only to instruments that take effect on or after the 6th day of September, 1966, and such instruments include an instrument made in the exercise of a general or special

Application of Act

power of appointment on or after that date even though the instrument creating the power took effect before that date. 1966, c. 113, s. 19, *amended*.

CHAPTER 344

The Personal Property Security Act**1. In this Act,**Interpre-
tation

- (a) “accessions” means goods that are installed in or affixed to other goods;
- (b) “account debtor” means a person who is obligated on chattel paper or on an intangible;
- (c) “chattel paper” means one or more than one writing that expresses both a monetary obligation and a security interest in specific goods;
- (d) “collateral” means property that is subject to a security interest;
- (e) “consumer goods” means goods that are used or acquired for use primarily for personal, family or household purposes;
- (f) “creditor” includes an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver, and an executor, administrator or committee;
- (g) “debtor” means a person who owes payment or other performance of the obligation secured, whether or not he owns or has rights in the collateral, and includes an assignor of book debts and an assignee of the debtor’s interest in the collateral referred to in subsection 1 of section 49, or such one or more of them as the context requires;
- (h) “default” means the failure to pay or otherwise perform the obligation secured when due or the occurrence of any event whereupon under the terms of the security agreement the security becomes enforceable;
- (i) “document of title” means any writing that purports to be issued by or addressed to a bailee and purports to cover such goods in the bailee’s possession as are identified or fungible portions of an identified mass, and that in the ordinary course of business is treated as establishing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers;
- (j) “equipment” means goods that are not inventory or consumer goods;

R.S.C. 1952,
c. 15

- (k) “goods” means all chattels personal, other than choses in action and money, and includes emblements and industrial growing crops, and oil, gas and other minerals to be extracted, and timber to be cut, and goods are either consumer goods, equipment or inventory;
- (l) “instrument” means a bill, note or cheque within the meaning of the *Bills of Exchange Act* (Canada), or any other writing that evidences a right to the payment of money and is of a type that in the ordinary course of business is transferred by delivery with any necessary endorsement or assignment, but does not include a writing that constitutes part of chattel paper, a document of title or securities;
- (m) “intangible” means all personal property, including choses in action, that is not goods, chattel paper, documents of title, instruments or securities;
- (n) “inventory” means goods that are held by a person for sale or lease, or that are to be furnished or have been furnished under a contract of service, or that are raw materials, work in process or materials used or consumed in a business or profession;
- (o) “judge” means a judge of a county or district court;
- (p) “notify” means to take such steps as are reasonably required to give information to the person to be notified so that,
 - (i) it comes to his attention, or
 - (ii) it is directed to such person at his customary address or at his place of residence, or at such other place as is designated by him over his signature,and “notification” has a corresponding meaning;
- (q) “prescribed” means prescribed by the regulations;
- (r) “proceeds” means personal property in any form or fixtures derived directly or indirectly from any dealing with collateral or proceeds or that indemnifies or compensates for collateral destroyed or damaged;
- (s) “purchase-money security interest” means a security interest that is,
 - (i) taken or reserved by the seller of the collateral to secure payment of all or part of its price, or
 - (ii) taken by a person who gives value that enables the debtor to acquire rights in or the use of the collateral, if such value is applied to acquire such rights;
- (t) “registrar” means the registrar of personal property security;

- (u) “regulations” means the regulations made under this Act;
- (v) “secured party” means a person who has a security interest;
- (w) “securities” means shares, stock, warrants, bonds, debentures, debenture stock or the like issued by a corporation or other person, or a partnership, association or government;
- (x) “security agreement” means an agreement that creates or provides for a security interest;
- (y) “security interest” means an interest in goods, other than building materials that have been affixed to the realty, fixtures, documents of title, instruments, securities, chattel papers or intangibles that secures payment or performance of an obligation, and includes an interest arising from an assignment of book debts;
- (z) “value” means any consideration sufficient to support a simple contract. 1967, c. 73, s. 1.

PART I

GENERAL

2. Subject to subsection 1 of section 3, this Act applies,

Application
of Act

- (a) to every transaction without regard to its form and without regard to the person who has title to the collateral that in substance creates a security interest, including, without limiting the foregoing,
 - (i) a chattel mortgage, conditional sale, equipment trust, floating charge, pledge, trust deed or trust receipt, and
 - (ii) an assignment, lease or consignment intended as security; and
- (b) to every assignment of book debts not intended as security, but not to an assignment for the general benefit of creditors to which *The Assignments and Preferences Act* applies. 1967, c. 73, s. 2.

R.S.O. 1970,
c. 34

3.—(1) This Act does not apply,

Where Act
does not
apply

- (a) to a lien given by statute or rule of law, except as provided in section 32, clause *b* of subsection 3 of section 36, and clause *b* of subsection 2 of section 37;
- (b) to a transfer of an interest or claim in or under any policy of insurance or contract of annuity;

(c) to a mortgage, charge or assignment whose registration is provided for in *The Corporation Securities Registration Act*; or

R.S.O. 1970,
c. 88

R.S.O. 1970,
c. 341

(d) to a transaction under *The Pawnbrokers Act*.

Rights
under
R.S.O. 1970,
c. 421
not
affected

(2) The rights of buyers and sellers under subsection 2 of section 20 and sections 39, 40, 41 and 43 of *The Sale of Goods Act* are not affected by this Act. 1967, c. 73, s. 3.

Errors,
omissions,
etc.

4. A document to which this Act applies is not invalidated nor shall its effect be destroyed by reason only of a defect, irregularity, omission or error therein or in the execution thereof unless, in the opinion of the judge or court, the defect, irregularity, omission or error is shown to have actually misled some person whose interests are affected by the document. 1967, c. 73, s. 4.

Conflict
of laws

5.—(1) Where the chief place of business of a debtor is in Ontario, the validity and perfection of a security interest and the possibility and effect of proper registration with regard to intangibles or with regard to goods of a type that are normally used in more than one jurisdiction, if such goods are classified as equipment or classified as inventory by reason of their being leased by the debtor to others, are governed by this Act.

Idem

(2) Where the chief place of business of a debtor is not in Ontario, the validity and perfection of a security interest and the possibility and effect of proper registration with regard to intangibles or with regard to goods of a type that are normally used in more than one jurisdiction, if such goods are classified as equipment or classified as inventory by reason of their being leased by the debtor to others, are governed by the law, including the conflict of laws rules, of the jurisdiction in which the chief place of business is located.

Idem

(3) If a jurisdiction does not provide, by registration or recording in such jurisdiction, for perfection of a security interest of the kind referred to in subsections 1 and 2, the security interest may be perfected by registration in Ontario. 1967, c. 73, s. 5.

Conflict
of laws,
continued

6.—(1) Where personal property, other than that governed by subsection 1 or 2 of section 5, was already subject to a security interest when it was brought into Ontario, the validity of the security interest in Ontario is to be determined by the law, including the conflict of laws rules, of the jurisdiction where the property was when the security interest attached.

Right of
revendica-
tion

(2) Where goods brought into Ontario are subject to the seller's right to revendicate or to resume possession of the goods, unless the seller registers a caution in the prescribed form within

twenty days after the day on which the goods were brought into Ontario, such right is unenforceable in Ontario thereafter. 1967, c. 73, s. 6.

7.—(1) Subject to section 5, a security interest in collateral already perfected under the law of the jurisdiction in which the collateral was when the security interest attached and before being brought into Ontario continues perfected in Ontario for sixty days and also thereafter if within the sixty-day period it is perfected in Ontario. Conflict of laws, continued

(2) Notwithstanding subsection 1, where the secured party receives notice within the sixty-day period mentioned therein that the collateral has been brought into Ontario, his security interest in the collateral ceases to be perfected in Ontario unless he registers the security agreement covering the collateral within fifteen days from the date that he receives such notice or upon the expiration of the sixty-day period, whichever is earlier. Idem

(3) A security interest that has ceased to be perfected in Ontario due to the expiration of the sixty-day period may thereafter be perfected in Ontario, but such perfection takes effect from the time of its perfection in Ontario. 1967, c. 73, s. 7. Idem

8. Where a security interest was not perfected under the law of the jurisdiction in which the collateral was when the security interest attached and before being brought into Ontario, it may be perfected in Ontario within thirty days from the date the collateral is brought into Ontario, in which case perfection dates from the time of perfection in Ontario. 1967, c. 73, s. 8. Conflict of laws, concluded

PART II

VALIDITY OF SECURITY AGREEMENTS AND RIGHTS OF PARTIES

9. Except as otherwise provided by this or any other Act, a security agreement is effective according to its terms between the parties to it and against third parties. 1967, c. 73, s. 9. Effectiveness of security agreement

10. A security interest is not enforceable by or against a third party unless, Enforceability of security interest

- (a) the collateral is in the possession of the secured party; or
- (b) the debtor has signed a security agreement that contains a description of the collateral and, if the collateral is or includes fixtures or crops, or oil, gas or other minerals to be extracted, or timber to be cut, a description of the land concerned. 1967, c. 73, s. 10.

Delivery of
copy of
agreement

11. Where a security interest is created or provided for by a security agreement, the secured party shall deliver a copy of the security agreement to the debtor within ten days after the execution thereof, and, if he fails to do so after a request by the debtor, a judge may on summary application by the debtor make an order for the delivery of such a copy to the debtor and may make such order as to costs as he considers just. 1967, c. 73, s. 11.

When
security
interest
attaches

12.—(1) A security interest attaches when,

- (a) the parties intend it to attach;
- (b) value is given; and
- (c) the debtor has rights in the collateral.

Idem

(2) For the purpose of subsection 1, the debtor has no rights in,

- (a) crops until they become growing crops;
- (b) fish until they are caught;
- (c) oil, gas or other minerals until they are extracted; or
- (d) timber until it is cut. 1967, c. 73, s. 12.

After-
acquired
property,
etc.

13.—(1) Except as provided in subsection 2, a security agreement may cover after-acquired property and the young of animals after conception.

Exception

(2) No security interest attaches under an after-acquired property clause in a security agreement,

- (a) to crops that become such more than one year after the security agreement has been executed, except that a security interest in crops that is given in conjunction with a lease, purchase or mortgage of land may, if so agreed, attach to crops to be grown on the land concerned during the term of such lease, purchase or mortgage; or
- (b) to consumer goods, other than accessions, unless the debtor acquires rights in them within ten days after the secured party gives value. 1967, c. 73, s. 13.

Limitation
on coverage

14. A purchase-money security interest in consumer goods does not attach to any collateral other than such consumer goods. 1967, c. 73, s. 14.

Future
advances

15. A security agreement may secure future advances or other value whether or not the advances or other value are given pursuant to commitment. 1967, c. 73, s. 15.

Agreement
not to
assert
defence
against
assignee

16. Except as to consumer goods, an agreement by a debtor not to assert against an assignee any claim or defence that he has against his seller or lessor is enforceable by the assignee who takes

the assignment for value, in good faith and without notice, except as to such defences as may be asserted against the holder in due course of a negotiable instrument under the *Bills of Exchange Act* (Canada). 1967, c. 73, s. 16.

R.S.C. 1952,
c. 15

17. Where a seller retains a purchase-money security interest in goods,

Seller's
warranties

- (a) *The Sale of Goods Act* governs the sale and any disclaimer, limitation or modification of the seller's conditions and warranties; and
- (b) except as provided in section 16, the conditions and warranties in a sale agreement shall not be affected by any security agreement. 1967, c. 73, s. 17.

R.S.O. 1970,
c. 421

18. Where a security agreement provides that the secured party may accelerate payment or performance when he considers himself insecure, such provision shall be construed to mean that he has power to do so only if he in good faith believes that the prospect of payment or performance is impaired. 1967, c. 73, s. 18.

Provision to
accelerate

19.—(1) A secured party shall use reasonable care in the custody and preservation of collateral in his possession, and, unless otherwise agreed, in the case of an instrument or chattel paper, reasonable care includes taking necessary steps to preserve rights against prior parties.

Care of
collateral

(2) Unless otherwise agreed, where collateral is in the secured party's possession,

Idem,
rights and
duties of
secured
party

- (a) reasonable expenses, including the cost of insurance and payment of taxes or other charges incurred in the custody and preservation of the collateral, are chargeable to the debtor and are secured by the collateral;
- (b) the risk of loss or damage, except where caused by the negligence of the secured party, is on the debtor to the extent of any deficiency in any insurance coverage;
- (c) the secured party may hold as additional security any increase or profits, except money, received from the collateral, and money so received, unless remitted to the debtor, shall be applied forthwith upon its receipt in reduction of the secured obligation;
- (d) the secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and
- (e) the secured party may create a security interest in the collateral upon terms that do not impair the debtor's right to redeem it.

Liability
for loss

(3) A secured party is liable for any loss or damage caused by his failure to meet any obligations imposed by subsection 1 or 2, but does not lose his security interest.

Use of
collateral

(4) A secured party may use the collateral,

- (a) in the manner and to the extent provided in the security agreement;
- (b) for the purpose of preserving the collateral or its value; or
- (c) pursuant to an order of,
 - (i) the court before which a question relating thereto is being heard, or
 - (ii) a judge upon application by originating notice to all persons concerned.

Idem

(5) A secured party,

- (a) is liable for any loss or damage caused by his use of the collateral otherwise than as authorized by subsection 4; and
- (b) is subject to being ordered or restrained as provided in subsection 1 of section 62. 1967, c. 73, s. 19.

Statements
of account

20.—(1) A debtor or a person having an interest in the collateral or an execution creditor may, by a notice in writing, require the secured party to furnish him with a statement in writing,

- (a) of the amount of the indebtedness and of the terms of payment thereof as of the date specified in the notice;
- (b) approving or correcting as of the date specified in the notice a statement of the collateral attached to the notice; and
- (c) approving or correcting as of the date specified in the notice a statement of the amount of the indebtedness and of the terms of payment thereof,

or any one or two of them.

Idem

(2) In the case of clause *b* of subsection 1, if the secured party claims a security interest in all of a particular type of collateral owned by the debtor, he may so indicate in lieu of approving or correcting the itemized list of such collateral contained in the statement of the collateral and attached to the notice.

Time for
compliance
with notice,
liability
for failure
to answer

(3) The secured party shall answer a notice given under subsection 1 within fifteen days after he receives it, and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, he is liable for any loss or damage caused thereby to the debtor or any other person.

(4) Where the person receiving a notice under subsection 1 no longer has an interest in the obligation or collateral, he shall, within fifteen days after he receives the notice, disclose the name and address of the latest successor in interest known to him, and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, he is liable for any loss or damage caused thereby to the debtor or any other person. Successors
in interest

(5) A successor in interest shall be deemed to be the secured party for the purposes of this section when he receives a notice under subsection 1. 1967, c. 73, s. 20. Idem

PART III

PERFECTION OF INTEREST

- 21.** A security interest is perfected when, Time when
perfected
- (a) it has attached; and
 - (b) all steps required for perfection under any provision of this Act have been completed,

regardless of the order of occurrence. 1967, c. 73, s. 21.

22.—(1) Except as provided in subsection 3, an unperfected security interest is subordinate to, Where
unperfected
security
interest
subordinate

- (a) the interest of a person,
 - (i) who is entitled to a priority under this or any other Act, or
 - (ii) who, without knowledge of the security interest and before it is perfected, assumes control of the collateral through legal process, or
 - (iii) who represents the creditors of the debtor as assignee for the benefit of creditors, trustee in bankruptcy or receiver; and
- (b) the interest of a transferee who is not a secured party to the extent that he gives value without knowledge of the security interest and before it is perfected,
 - (i) of chattel paper, documents of title, securities, instruments or goods in bulk or otherwise, not in the ordinary course of the business of the transferor and where the transferee receives delivery of the collateral, or
 - (ii) of intangibles.

(2) The rights of a person under subclause iii of clause a of subsection 1 in respect of the collateral are referable to the date from which his status has effect and arise without regard to the Idem

personal knowledge of the representative if any represented creditor was, on the relevant date, without knowledge of the unperfected security interest.

Purchase-money security interest

(3) A purchase-money security interest that is registered before or within ten days after the debtor's possession of the collateral commences has priority over,

- (a) an interest set out in subclause ii or iii of clause *a* of subsection 1; and
- (b) transfers in bulk or otherwise, not in the ordinary course of business, occurring between the security interest's attaching and its being registered. 1967, c. 73, s. 22.

Continuity of perfection

23.—(1) If a security interest is originally perfected in any way permitted under this Act and is again perfected in some way under this Act without an intermediate period when it was unperfected, the security interest shall be deemed to be perfected continuously for the purposes of this Act.

Assignees

(2) An assignee of a security interest succeeds in so far as its perfection is concerned to the position of the assignor at the time of the assignment. 1967, c. 73, s. 23.

Perfection by possession

24. Except as provided in section 26, possession of the collateral by the secured party, or on his behalf by a person other than the debtor or the debtor's agent, perfects a security interest in,

- (a) chattel paper;
- (b) goods;
- (c) instruments;
- (d) securities;
- (e) letters of credit and advices of credit; or
- (f) negotiable documents of title,

but, subject to section 23, only during its actual holding as collateral. 1967, c. 73, s. 24.

Perfection by registration

25.—(1) Subject to section 21, registration perfects a security interest in,

- (a) chattel paper;
- (b) goods;
- (c) intangibles; or
- (d) documents of title.

Idem

(2) A security interest is not perfected until it is registered, except in the case of a security interest,

- (a) in collateral in possession of the secured party under section 24; or

- (b) temporarily perfected in instruments, securities or negotiable documents of title under section 26. 1967, c. 73, s. 25.

26.—(1) A security interest in instruments, securities or negotiable documents of title is a perfected security interest for the first ten days after it attaches to the extent that it arises for new value given under a registered security agreement. Temporary perfection

- (2) A perfected security interest in, Idem
 - (a) an instrument that a secured party delivers to the debtor for the purpose of,
 - (i) ultimate sale or exchange,
 - (ii) presentation, collection or renewal, or
 - (iii) registration of transfer; or
 - (b) a negotiable document of title or goods held by a bailee that are not covered by a negotiable document of title, which document of title or goods the secured party makes available to the debtor for the purpose of,
 - (i) ultimate sale or exchange,
 - (ii) loading, unloading, storing, shipping or transshipping, or
 - (iii) manufacturing, processing, packaging or otherwise dealing with goods in a manner preliminary to their sale or exchange,

remains perfected for the first ten days after the collateral comes under the control of the debtor.

- (3) Beyond the period of ten days referred to in subsection 1 or 2, a security interest under this section becomes subject to the provisions of this Act for perfecting a security interest. 1967, c. 73, s. 26. Idem

27.—(1) Subject to this Act, a security interest in collateral that is dealt with so as to give rise to proceeds, Perfecting as to proceeds

- (a) continues as to the collateral, unless the secured party expressly or impliedly authorized such dealing; and
- (b) extends to the proceeds.

(2) Where a security interest in collateral was a perfected security interest at the time of the dealing, Idem

- (a) the security interest under clause *a* of subsection 1 is perfected in so far as sections 23, 24 and 25 are satisfied; and
- (b) the security interest under clause *b* of subsection 1 becomes unperfected ten days thereafter unless express-

ly covered by a security agreement or a notice of intention relating to the original collateral that was at the time of dealing perfected by registration, but there is no perfected security interest in proceeds that are not identifiable or traceable. 1967, c. 73, s. 27.

Perfecting
as to goods
held by
bailee

28.—(1) A security interest in goods in the possession of a bailee who has issued a negotiable document of title covering them is perfected by perfecting a security interest in the document, and any security interest in them otherwise perfected while they are so covered is subject thereto.

Idem

(2) A security interest in goods in the possession of a bailee, other than a bailee mentioned in subsection 1, is perfected by,

- (a) issuance of a document of title in the name of the secured party;
- (b) a holding on behalf of the secured party pursuant to section 24; or
- (c) registration as to the goods. 1967, c. 73, s. 28.

Goods
returned or
repossessed

29.—(1) A security interest in goods that are the subject of a sale or exchange and that are returned to, or repossessed by,

- (a) the person who sold or exchanged them; or
- (b) a transferee of an intangible or chattel paper resulting from the sale of them,

reattaches to the extent that the secured indebtedness remains unpaid.

Idem

(2) Where the security interest was perfected by a registration that is still effective at the time of the sale or exchange, it reattaches as a perfected interest, but otherwise requires for its perfection a registration or a taking of possession by the secured party.

Transferees

(3) A transferee of,

- (a) an intangible resulting from a sale; or
- (b) except as otherwise provided in section 30, chattel paper resulting from a sale,

has, as against the transferor, a security interest that is,

- (c) subordinate to a security interest under subsection 1 that was a perfected interest when the goods became the subject of the sale or exchange; and
- (d) otherwise subject to section 35.

Idem

(4) A transferee of an intangible or chattel paper resulting from a sale is, with respect to persons asserting interests in the

goods under provisions other than subsections 1, 2 and 3, subject to the provisions of this Act for perfecting a security interest. 1967, c. 73, s. 29.

30.—(1) A purchaser of goods from a seller who sells the goods in the ordinary course of business takes them free from any security interest therein given by his seller even though it is perfected and the purchaser actually knows of it.

Effect of perfection on purchasers of goods in ordinary course of business

(2) A purchaser of chattel paper who takes possession of it in the ordinary course of his business has, to the extent that he gives new value, priority over any other security interest in it,

Idem, purchasers of chattel paper

(a) that was perfected under section 25 if he did not actually know at the time he took possession that the chattel paper was subject to a security interest; or

(b) that has attached to proceeds of inventory under section 27, whatever the extent of his knowledge.

(3) A purchaser of a non-negotiable instrument who takes possession of it in the ordinary course of his business has priority to the extent that he gives new value over a security interest in it that was perfected under section 26 if he did not actually know at the time he took possession that the instrument was subject to a security interest. 1967, c. 73, s. 30.

Idem, purchasers of non-negotiable instruments

31.—(1) The rights of,

(a) a holder in due course of a bill, note or cheque within the meaning of the *Bills of Exchange Act* (Canada);

(b) a holder of a negotiable document of title who takes it in good faith for value; or

(c) a *bona fide* purchaser of securities,

Bona fide purchasers of negotiable instruments, etc.
R.S.C. 1952, c. 15

are to be determined without regard to this Act.

(2) Registration under this Act is not such notice as to affect the rights of persons mentioned in subsection 1. 1967, c. 73, s. 31.

Idem

32. Where a person in the ordinary course of business furnishes materials or services with respect to goods in his possession that are subject to a security interest, any lien that he has in respect of such materials or services has priority over a perfected security interest unless the lien is given by an Act that does not provide that the lien has such priority. 1967, c. 73, s. 32.

Priority of liens for materials and services

33. The rights of a debtor in collateral may be transferred voluntarily or involuntarily notwithstanding a provision in the security agreement prohibiting transfer or declaring a transfer to

Alienation of rights of debtors

be a default, but no transfer prejudices the rights of the secured party under the security agreement or otherwise. 1967, c. 73, s. 33.

Special
priorities,
crops

34.—(1) A perfected security interest in crops or their proceeds given for a consideration to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise has priority over an earlier perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving the consideration knew of the earlier security interest.

Idem,
purchase-
money
security
interests,
inventory

(2) A purchase-money security interest in inventory or its proceeds has priority over any other security interest in the same collateral,

- (a) if the purchase-money security interest was perfected at the time the debtor received possession of the collateral; and
- (b) if any secured party, whose security interest was actually known to the holder of the purchase-money security interest or who, prior to the registration by the holder of the purchase-money security interest, had registered a security agreement, a notice of intention or a caution covering the same items or type of inventory, had received notification of the purchase-money security interest before the debtor received possession of the collateral covered by the purchase-money security interest; and
- (c) if such notification states that the person giving the notice had or expected to acquire a purchase-money security interest in inventory of the debtor, describing such inventory by item or type.

Idem,
purchase-
money
security
interests,
other than
inventory

(3) A purchase-money security interest in collateral or its proceeds, other than inventory, has priority over any other security interest in the same collateral if the purchase-money security interest was perfected at the time the debtor obtained possession of the collateral or within ten days thereafter. 1967, c. 73, s. 34.

Priorities,
general rule

35.—(1) If no other provision of this Act is applicable, priority between security interests in the same collateral shall be determined,

- (a) by the order of registration, if the security interests have been perfected by registration;
- (b) by the order of perfection, unless the security interests have been perfected by registration; or

- (c) by the order of attachment under subsection 1 of section 12, if no security interest has been perfected.

(2) For the purposes of subsection 1, a continuously perfected security interest shall be treated at all times as if perfected by registration, if it was originally so perfected, and it shall be treated at all times as if perfected otherwise than by registration if it was originally perfected otherwise than by registration. 1967, c. 73, s. 35. Idem

36.—(1) Subject to subsection 3 of this section and notwithstanding subsection 3 of section 34, a security interest that attached to goods before they became fixtures has priority as to the goods over the claim of any person who has an interest in the real property. Priority of security interests, fixtures

(2) Subject to subsection 3, a security interest that attached to goods after they became fixtures has priority over the claim of any person who subsequently acquired an interest in the real property, but not over any person who had a registered interest in the real property at the time the security interest attached to the goods and who has not consented in writing to the security interest or disclaimed an interest in the goods as fixtures. Idem

(3) The security interest referred to in subsections 1 and 2 are subordinate to the interest of, Exceptions

- (a) a subsequent purchaser or mortgagee for value of an interest in the real property;
- (b) a creditor with a lien on the real property subsequently obtained as a result of judicial process; or
- (c) a creditor with a prior encumbrance of record on the real property in respect of subsequent advances,

if the subsequent purchase or mortgage was made or the lien was obtained or the subsequent advance under the prior encumbrance was made or contracted for, as the case may be, without actual notice of the security interest.

(4) If a secured party, by virtue of subsection 1 or 2 and subsection 3, has priority over the claim of a person having an interest in the real property, he may on default, subject to the provisions of this Act respecting default, remove his collateral from the real property if, unless otherwise agreed, he reimburses any encumbrancer or owner of the real property who is not the debtor for the cost of repairing any physical injury excluding diminution in the value of the real property caused by the absence of the goods removed or by the necessity for replacement, but a person so entitled to reimbursement may refuse permission to remove until the secured party has given adequate security for any reimbursement arising under this subsection. Removal of collateral

Retention of
collateral

(5) A person having an interest in real property that is subordinate to a security interest by virtue of subsection 1 or 2 and subsection 3 may, before the collateral has been removed from the real property by the secured party in accordance with subsection 4, retain the collateral upon payment to the secured party of the amount owing under the security interest having priority over his claim. 1967, c. 73, s. 36.

Accessions

37.—(1) Subject to subsection 2 and to section 38 and notwithstanding subsection 3 of section 34,

- (a) a security interest in an accession that attached before the goods became an accession has priority as to the accession over the claim of any person in respect of the whole; and
- (b) a security interest in goods that attached after the goods became an accession has priority over the claim of any person who subsequently acquired an interest in the whole, but not against a person who had an interest in the whole at the date of attachment of the security interest in the accession and who has not consented in writing to the security interest in the accession or disclaimed an interest in the accession as part of the whole.

Exceptions

(2) A security interest referred to in subsection 1 is subordinate to the interest of,

- (a) a subsequent purchaser for value of an interest in the whole; or
- (b) a creditor with a lien on the whole, subsequently obtained as a result of judicial process; or
- (c) a creditor with a prior perfected security interest in the whole to the extent that he makes subsequent advances,

if the subsequent purchase was made, the lien was obtained or the subsequent advance under the prior perfected security interest was made or contracted for without notice of the security interest.

Removal of
collateral

(3) If a secured party, by virtue of subsections 1 and 2, has an interest in an accession that has priority over the claim of any person having an interest in the whole, he may, on default, subject to the provisions of this Act respecting default, remove his collateral from the whole if, unless otherwise agreed, he reimburses any encumbrancer or owner of the whole who is not the debtor for the cost of repairing any physical injury excluding diminution in value of the whole caused by the absence of the goods removed or by the necessity for replacement, but a person so entitled to reimbursement may refuse permission to remove until the secured party has given adequate security for any reimbursement arising under this subsection.

(4) A person having a security interest in the whole that is subordinate to a security interest by virtue of subsections 1 and 2 may, before the collateral has been removed by the secured party in accordance with subsection 3, retain the collateral upon payment to the secured party of the amount owing under the security interest having priority over his claim. 1967, c. 73, s. 37. Retention of collateral

38. A perfected security interest in goods that subsequently become part of a product or mass continues in the product or mass if the goods are so manufactured, processed, assembled or commingled that their identity is lost in the product or mass, and, if more than one security interest attaches to the product or mass, the security interest rank equally according to the ratio that the cost of the goods to which each interest originally attached bears to the cost of the total product or mass. 1967, c. 73, s. 38. Commingled goods

39. A secured party may, in the security agreement or otherwise, subordinate his security interest to any other security interest. 1967, c. 73, s. 39. Priority subject to subordination

40.—(1) Unless an account debtor has made an enforceable agreement not to assert defences or claims arising out of a sale as provided by section 16, the rights of an assignee are subject to, Account debtors

(a) all the terms of the contract between the account debtor and the assignor and any defence or claim arising therefrom; and

(b) any other defence or claim of the account debtor against the assignor that accrued before the account debtor received notice of the assignment.

(2) The account debtor may pay the assignor until the account debtor receives notice, reasonably identifiable with the relevant rights, that the account has been assigned, and, if requested by the account debtor, the assignee shall furnish proof within a reasonable time that the assignment has been made, and, if he does not do so, the account debtor may pay the assignor. 1967, c. 73, s. 40. Idem

PART IV

REGISTRATION

41.—(1) A registration system, including a central office and branch offices, shall be established for the purposes of this Act. Registration system

(2) The central office of the registration system shall be located at or near the City of Toronto. Central office

(3) Branch offices of the registration system shall be established at such places as are designated by the regulations. 1967, c. 73, s. 41. Branch offices

Registrar,
appoint-
ment

42.—(1) There shall be a registrar of personal property security and a branch registrar for each branch office.

function

(2) It shall be the function of the registrar, under the direction of the Inspector of Legal Offices, to supervise the operation of the registration system established for the purposes of this Act.

seal of
office

(3) The registrar and each branch registrar shall have a seal of office in such form as the Lieutenant Governor in Council approves. 1967, c. 73, s. 42.

Signing
officers

43. The registrar and each branch registrar may designate one or more persons on the staff of his office to act on his behalf. 1967, c. 73, s. 43.

Registrar's
certificate

44.—(1) Upon the request of any person and upon payment of the prescribed fee,

- (a) the registrar shall issue a certificate stating whether there is registered at the time mentioned in the certificate a security agreement or other document in which the person named in the certificate is shown as a debtor and, if there is, the registration number of it, and any other information recorded in the central office of the registration system;
- (b) any registered security agreement or other document shall be provided for inspection at the branch office where it was registered; and
- (c) a certified copy of any security agreement or other document shall be furnished at the branch office where it was registered.

Proof of
certificates

(2) A certificate issued under clause *a* of subsection 1 is *prima facie* evidence of the contents thereof.

Proof of
certified
copies

(3) A certified copy furnished under clause *c* of subsection 1 is *prima facie* evidence of the contents of the document so certified. 1967, c. 73, s. 44.

Assurance
Fund

45.—(1) There shall be an account in the Consolidated Revenue Fund to be known as "The Personal Property Security Assurance Fund", referred to in this section as "the Fund", into which shall be paid the prescribed portion of the fees received under this Act.

Interest

(2) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at a rate to be determined from time to time by the Lieutenant Governor in Council, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the end of the previous calendar year.

(3) Any person who suffers loss or damage as a result of his reliance upon a certificate of the registrar issued under section 44 that is incorrect because of an error or omission in the operation of the system of registration, recording, and production of information under this Part, is entitled to have compensation paid to him out of the Fund so far as the Fund is sufficient for that purpose, having regard to any other charges thereon, if he makes a claim therefor under subsection 4 within one year from the time of his having suffered the loss or damage.

Persons suffering damage to be compensated

(4) A person claiming to be entitled to payment of compensation out of the Fund shall make application therefor in writing to the registrar, setting out therein his full name and address and the particulars of his claim.

Claim for compensation

(5) The registrar shall refer the application to the Master of the Supreme Court who shall issue such directions as he thinks proper, hold a hearing, determine the claimant's entitlement to compensation, the amount thereof, and, if awarded, the costs of the proceedings.

Reference to Master

(6) The Master shall make his findings and embody his conclusions in the form of a certificate and send by registered mail one copy thereof to the claimant at the address shown in the application and one copy to the registrar.

Master's certificate

(7) The certificate of the Master shall be deemed to be confirmed at the expiration of thirty days from the date of mailing it to the claimant, unless notice of appeal is served within that time.

Confirmation of certificate

(8) The claimant or the registrar may appeal to the Court of Appeal at any time before the certificate of the Master is confirmed, and the procedure thereon shall be the same as upon an appeal from a report when a whole action has been referred under section 72 of *The Judicature Act*.

Appeal

R.S.O. 1970, c. 228

(9) When the registrar receives a certificate of the Master under subsection 6 and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the claimant is entitled to payment of compensation out of the Fund, the registrar shall certify to the Treasurer of Ontario the sum found to be payable, including any costs awarded to the claimant, and the Treasurer shall pay such sum to the claimant out of the Fund. 1967, c. 73, s. 45.

Payment out of Fund

46. Documents to be registered under this Act shall be tendered for registration at any branch office established under subsection 3 of section 41, but registration is effective only from the time of the recording of the prescribed particulars thereof in the central office and the assignment thereto of a registration number. 1967, c. 73, s. 46.

Where documents to be registered, effective time of registration

Documents
to be
registered,
security
agreement
or copy

47.—(1) In order to register under this Act for the purpose of perfecting a security interest, the security agreement or a copy thereof signed by the debtor shall, subject to subsection 3, be registered, and it shall contain and legibly set forth at least,

- (a) the full name and address of the debtor;
- (b) the full name and address of the secured party;
- (c) the date of execution of the security agreement;
- (d) a description of the collateral sufficient to identify it; and
- (e) the terms and conditions of the security agreement.

Idem,
notice of
intention

(2) Where the collateral is goods to be held for sale or lease, a notice of intention to give security signed by the debtor, which contains and legibly sets forth at least,

- (a) the full name and address of the debtor;
- (b) the full name and address of the secured party; and
- (c) a description of the collateral sufficient to identify it,

may, in lieu of the security agreement under subsection 1, be registered before a security agreement is signed or a security interest otherwise attaches, in order to perfect a security interest in such goods.

Where
collateral
brought into
Ontario

(3) Where the collateral was subject to a security interest in an other jurisdiction at the time the collateral was brought into Ontario or where it is desired to perfect a security interest in the proceeds of collateral included in an already perfected security interest, the secured party may register a copy of the security agreement signed by the debtor or a caution in the prescribed form.

What
constitutes
registration

(4) Registration of a copy of the security agreement signed by the debtor, a notice of intention signed by the debtor or a caution under this section constitutes registration for the purposes of this Act.

Time limit

(5) Where the collateral is other than instruments, securities, letters of credit, advices of credit, negotiable documents of title or goods to be held for sale or lease with respect to which a notice of intention has been registered, the security agreement shall not be registered after thirty days from the date of its execution.

Errors

(6) An error of a clerical nature or in an immaterial or non-essential part of a security agreement, caution or notice of intention that does not mislead does not invalidate the registration or destroy the effect of the registration. 1967, c. 73, s. 47.

48.—(1) An assignment, or a copy thereof signed by the secured party of record, of a security agreement, notice of intention or caution may also be registered, if the security agreement, notice of intention or caution has been registered under this Act previous to the registration of the assignment, if the assignment contains and legibly sets forth at least, Assignments

- (a) the full name and address of the debtor;
- (b) the full name and address of the secured party of record;
- (c) the full name and address of the assignee; and
- (d) the registration number given at the time of the registration of the security agreement, notice of intention or caution or, if the assignment is presented for registration at the same time as the security agreement or caution, the registration number of the security agreement or caution that is then endorsed thereon.

(2) Upon the registration of an assignment or a copy thereof under subsection 1, the assignee becomes the secured party of record. 1967, c. 73, s. 48. Idem

49.—(1) Where a security interest has been perfected by registration and the debtor with the consent of the secured party assigns his interest in the collateral, the assignee becomes a debtor and the security interest becomes unperfected unless the secured party registers a notice in the prescribed form within fifteen days of the time he consents to the assignment. Assignment of collateral

(2) Where a security interest has been perfected by registration and the secured party learns that the debtor has assigned his interest in the collateral, the security interest becomes unperfected fifteen days after the secured party learns of the assignment and the name and address of the assignee, unless he registers a notice in the prescribed form within such fifteen days. Where security interest becomes unperfected

(3) A security interest that becomes unperfected under subsection 1 or 2 may thereafter be perfected by registering a notice in the prescribed form or as otherwise provided by this Act. 1967, c. 73, s. 49. Second registration

50. An amendment, or a copy thereof, of a security agreement registered under this Act that refers to the registration number of the security agreement, notice of intention or caution that it amends and that is signed by the secured party of record and by the debtor may be registered at any time during the period that the registration of the security agreement, notice of intention or caution is effective. 1967, c. 73, s. 50. Amendments

51. A separate agreement signed by the secured party of record that provides for the subordination of a security interest created or provided for by a security agreement registered under Subordination

this Act or as to which a notice of intention or caution is registered under this Act and that refers to the registration number of the security agreement, notice of intention or caution may be registered at any time during the period that the registration of the security agreement, notice of intention or caution is effective. 1967, c. 73, s. 51.

Renewal
statements

52. A renewal statement in the prescribed form that is signed by the secured party of record may be registered at any time. 1967, c. 73, s. 52.

Effect of
registration

53.—(1) Where the collateral covered by a security agreement is other than instruments, securities, letters of credit, advices of credit or negotiable documents of title, registration under this Act,

- (a) of a security agreement, notice of intention or caution constitutes notice thereof to all persons claiming any interest in such collateral during the period of three years following such registration;
- (b) of a renewal statement constitutes notice of the security agreement, notice of intention or caution to which it relates to all persons claiming any interest in such collateral during the period of three years following such registration; and
- (c) of any other document constitutes notice thereof to all persons claiming any interest in such collateral during the remainder of the period for which the registration of the security agreement, notice of intention or caution is effective.

Fixtures

(2) Where the collateral is or includes fixtures or goods that may become fixtures, or crops, or oil, gas or other minerals to be extracted, or timber to be cut, the security agreement or any other document that may be registered under this Act containing a description of the land affected sufficient for registration under *The Land Titles Act* or *The Registry Act*, as the case may be, may, whether or not it is registered under this Act, be registered under *The Land Titles Act* or *The Registry Act*. 1967, c. 73, s. 53.

R.S.O. 1970,
cc. 234, 409

Discharge of
security
agreement

54.—(1) Upon performance of all obligations under a security agreement, it shall be discharged, and, upon written demand delivered either personally or by registered mail during the period that the registration of the security agreement or caution is effective by any person having an interest in the collateral to the secured party, the secured party shall sign and deliver personally or by registered mail to the person demanding it, at the place set out in the demand, a certificate of discharge in the prescribed form together with unregistered assignments, if any, of the security agreement.

(2) Where there are no outstanding obligations under any security agreement covered by a registered notice of intention, the secured party, upon written demand delivered either personally or by registered mail by a person having an interest in the collateral, shall sign and deliver personally or by registered mail to the person demanding it, at the place set out in the demand, a certificate of discharge of the notice of intention in the prescribed form.

Discharge
of notice
of intention

(3) Where it is agreed to release part of the collateral upon payment or performance of certain of the obligations under a security agreement, then, upon payment or performance of such obligations and upon written demand delivered either personally or by registered mail during the period that the registration of the security agreement or caution is effective by any person having an interest in the collateral to the secured party, the secured party shall sign and deliver personally or by registered mail to the person demanding it, at the place set out in the demand, a release in the prescribed form of the collateral as agreed.

Release of
part of
collateral

(4) Where the secured party, without reasonable excuse, fails to deliver the required discharge and assignments or release, as the case may be, within ten days after receipt of a demand therefor under subsection 1, 2 or 3, he shall pay \$100 to the person making the demand and any damages resulting from the failure, which sum and damages are recoverable in any court of competent jurisdiction.

Failure to
deliver

(5) Upon application to the county or district court by originating notice to all persons concerned, the judge may,

Security or
payment
into court

(a) allow security for or payment into court of the amount claimed by the secured party and such costs as he may fix, and thereupon order that the registration of the security agreement, notice of intention or caution be discharged or that a release of collateral be registered, as the case may be; or

(b) order upon any ground he considers proper that the registration of the security agreement, notice of intention or caution be discharged or that a release of collateral be registered, as the case may be.

(6) Any discharge of a security agreement or notice of intention and any release of collateral may be registered under this Act. 1967, c. 73, s. 54.

Registration
of dis-
charges and
releases

PART V

DEFAULT—RIGHTS AND REMEDIES

55.—(1) The rights and remedies referred to in this Part are cumulative.

Rights and
remedies
cumulative

Secured
party's
rights and
remedies

(2) Where the debtor is in default under a security agreement, the secured party has, in addition to any other rights and remedies, the rights and remedies provided in the security agreement except as limited by subsection 5, the rights and remedies provided in this Part and, when in possession, the rights, remedies and duties provided in section 19.

Secured
party's
remedies

(3) The secured party may enforce the security interest by any method available in or permitted by law and, if the collateral is or includes documents of title, the secured party may proceed either as to the documents of title or as to the goods covered thereby, and any method of enforcement that is available with respect to the documents of title is also available, *mutatis mutandis*, with respect to the goods covered thereby.

Debtor's
rights and
remedies

(4) Where the debtor is in default under a security agreement, he has, in addition to the rights and remedies provided in the security agreement and any other rights and remedies, the rights and remedies provided in this Part and in section 19.

Waiver and
variation
of rights
and duties

(5) Except as provided in sections 60 and 61, the provisions of subsections 3, 4 and 5 of section 58 and of sections 59, 60, 61 and 62, to the extent that they give rights to the debtor and impose duties upon the secured party, shall not be waived or varied, but the parties may by agreement determine the standards by which the rights of the debtor and the duties of the secured party are to be measured, so long as such standards are not manifestly unreasonable having regard to the nature of such rights and duties.

Where
agreement
covers both
real and
personal
property

(6) Where a security agreement covers both real and personal property, the secured party may proceed under this Part as to the personal property or he may proceed as to both the real and the personal property in accordance with his rights and remedies in respect of the real property, in which case this Part does not apply.

No merger
in judgment

(7) A security interest does not merge merely because a secured party has reduced his claim to judgment. 1967, c. 73, s. 55.

Collection
rights of
secured
party

56.—(1) Where so agreed and in any event upon default under a security agreement, a secured party is entitled,

- (a) to notify any account debtor or any obligor on an instrument to make payment to him whether or not the assignor was theretofore making collections on the collateral; and
- (b) to take control of any proceeds to which he is entitled under section 27.

Idem

(2) A secured party who by agreement is entitled to charge back uncollected collateral or otherwise to full or limited recourse

against the debtor and who undertakes to collect from the account debtors or obligors on instruments shall proceed in a commercially reasonable manner and may deduct his reasonable expenses of realization from the collections. 1967, c. 73, s. 56.

57. Upon default under a security agreement,

- (a) the secured party has, unless otherwise agreed, the right to take possession of the collateral by any method permitted by law;
- (b) if the collateral is equipment and the security interest has been perfected by registration, the secured party may, in a reasonable manner, render such equipment unusable without removal thereof from the debtor's premises, and the secured party shall thereupon be deemed to have taken possession of such equipment; and
- (c) the secured party may dispose of collateral under section 58 on the debtor's premises. 1967, c. 73, s. 57.

Secured party's right to take possession upon default

58.—(1) Upon default under a security agreement, the secured party may dispose of any of the collateral in its condition either before or after any commercially reasonable repair, processing or preparation for disposition, and the proceeds of the disposition shall be applied consecutively to,

Secured party's right to dispose of collateral upon default

- (a) the reasonable expenses of retaking, holding, repairing, processing, preparing for disposition and disposing of the collateral and, to the extent provided for in the security agreement and not prohibited by law, any other reasonable expenses incurred by the secured party;
- (b) the satisfaction of the obligation secured by the security interest of the party making the disposition; and
- (c) the satisfaction of the obligation secured by any subordinate security interest in the collateral if written demand therefor is received by the party making the disposition before the distribution of the proceeds is completed.

(2) Where a written demand under clause *c* of subsection 1 is received by the secured party, he may request the holder of the subordinate security interest to furnish him with reasonable proof of such holder's interest, and, unless such holder furnishes such proof within a reasonable time, the secured party need not comply with such demand.

Request for proof of interest

(3) Collateral may be disposed of in whole or in part, and any such disposition may be by public sale, private sale, lease or otherwise and, subject to subsection 5, may be made at any time and place and on any terms so long as every aspect of the disposition is commercially reasonable.

Methods of disposition

Secured party's right to delay disposition of collateral

(4) The secured party may, subject to subsection 1 of section 60, retain the collateral in whole or in part for such period of time as is commercially reasonable.

Secured party to give notice of disposition of collateral

(5) Unless the collateral is perishable or unless the secured party believes on reasonable grounds that the collateral will decline speedily in value, the secured party shall give to the debtor and to any other person who has a security interest in the collateral and who has registered a security agreement, notice of intention or caution under this Act indexed in the name of the debtor or who is known by the secured party to have a security interest in the collateral not less than fifteen days notice in writing containing,

- (a) a brief description of the collateral;
- (b) the amount required to satisfy the obligation secured by his security interest;
- (c) the amount of the applicable expenses referred to in clause *a* of subsection 1 or, in a case where the amount of such expenses has not been determined, his reasonable estimate thereof;
- (d) a statement that upon payment of the amounts due the debtor may redeem the collateral;
- (e) a statement that unless the amounts due are paid the collateral will be disposed of and the debtor may be liable for any deficiency; and
- (f) the date, time and place of any public sale or of the date after which any private disposition of the collateral is to be made.

Service of notice

(6) The notice required by subsection 5 shall be served personally upon or left at the residence or last known place of abode of the party to be served or may be sent by registered mail to his last known post office address.

Secured party's right to purchase collateral

(7) The secured party may purchase the collateral or any part thereof only at a public sale.

Effect of disposition of collateral

(8) Where collateral is disposed of in accordance with this section, the disposition discharges the security interest of the secured party making the disposition and, if such disposition is made to a *bona fide* purchaser for value, discharges also any subordinate security interest and terminates the debtor's interest in the collateral.

Idem

(9) Where collateral is disposed of by a secured party after default otherwise than in accordance with this section, then,

- (a) in the case of a public sale, if the purchaser has no knowledge of any defect in the sale and if he does not

purchase in collusion with the secured party, other bidders or the person conducting the sale; or

(b) in any other case, if the purchaser acts in good faith,

the disposition discharges the security interest of the secured party making the disposition and, where the disposition is made to a purchaser for value, discharges also any subordinate security interest and terminates the debtor's interest in the collateral.

(10) A person who is liable to a secured party under a guarantee, endorsement, covenant, repurchase agreement or the like and who receives a transfer of collateral from the secured party or is subrogated to his rights has thereafter the rights and duties of the secured party, and such a transfer of collateral is not a disposition of the collateral. 1967, c. 73, s. 58.

Certain
transfers of
collateral

59. Where a security agreement secures an indebtedness and the secured party has dealt with the collateral under section 56 or has disposed of it in accordance with section 58 or otherwise, he shall account for any surplus to any person, other than the debtor, whom the secured party knows to be the owner of the collateral, and, in the absence of such knowledge, he shall account to the debtor for any surplus. 1967, c. 73, s. 59.

Surplus

60.—(1) Where the security agreement secures an indebtedness and the collateral is consumer goods and the debtor has paid at least 60 per cent of the indebtedness secured and has not signed, after default, a statement renouncing or modifying his rights under this Part, the secured party who has taken possession of the collateral shall, within ninety days after taking possession, dispose of or contract to dispose of the collateral under section 58, and, if he fails to do so, the debtor may proceed under section 62 or in an action for damages or loss sustained.

Compulsory
disposition
of collateral,
consumer
goods

(2) In any case other than that mentioned in subsection 1, a secured party in possession of the collateral may, after default, propose to retain the collateral in satisfaction of the obligation secured, and notification of such proposal shall be given to the debtor and to any other person whom such secured party knows to be the owner of the collateral and, except in the case of consumer goods, to any other person who has a security interest in the collateral and who has registered a security agreement under this Act indexed in the name of the debtor or who is known by the secured party in possession to have a security interest in the collateral.

Retention of
collateral

(3) If any person entitled to notification under subsection 2 objects in writing within fifteen days after being notified, the secured party in possession shall dispose of the collateral under section 58, and, in the absence of any such objection, such secured party shall, at the expiration of such period of fifteen days, be

Idem

deemed to have irrevocably elected to retain the collateral in satisfaction of the obligation secured, and thereafter is entitled to hold or dispose of the collateral free of all rights and interests therein of any person entitled to notification under subsection 2 who was given such notification. 1967, c. 73, s. 60.

Redemption
of collateral

61. At any time before the secured party has disposed of the collateral by sale or exchange or contracted for such disposition under section 58 or before the secured party shall be deemed to have irrevocably elected to retain the collateral in satisfaction of the obligation under subsection 2 of section 60, the debtor, or any person other than the debtor who is the owner of the collateral, or any secured party other than the secured party in possession, may, unless he has otherwise agreed in writing after default, redeem the collateral by tendering fulfilment of all obligations secured by the collateral together with a sum equal to the reasonable expenses of retaking, holding, repairing, processing, preparing the collateral for disposition and in arranging for its disposition, and, to the extent provided for in the security agreement, the reasonable solicitor's costs and legal expenses. 1967, c. 73, s. 61.

Remedies
for failure
of secured
party to
comply with
this Part

62.—(1) Where a secured party in possession of collateral is not complying with any of the obligations imposed by section 19 or, after default, is not proceeding in accordance with this Part or the account is disputed, the debtor or any person who is the owner of the collateral or the creditors of either of them or any person other than such secured party who has an interest in the collateral may apply to the Supreme Court or to a county or district court having jurisdiction with respect thereto, and the court may, upon hearing any such application, direct that the secured party comply with the obligations imposed by section 19, or that the collateral be or be not disposed of, or order an account to be taken or make such other or further order as the court considers just.

Idem

(2) If the disposition of the collateral has been made otherwise than in accordance with this Part,

- (a) the debtor or any other person entitled to notice under subsection 5 of section 58 or whose security interest has been made known to the secured party prior to the disposition has a right to recover from the secured party any loss or damage caused by his failure to comply with this Part; and
- (b) where the collateral is consumer goods, the debtor has a right to recover in any event an amount not less than the credit service charge plus 10 per cent of the principal amount of the debt or the time price differential plus 10 per cent of the cash price.

(3) Where an application under subsection 1 is made to a county or district court, a respondent may, by notice served on the applicant and on the other respondents, if any, and filed with proof of service thereof with the clerk of the county or district court not later than the two days preceding the day of the return of the application, require the proceedings to be removed into the Supreme Court.

Removal of
proceedings
into
Supreme
Court

(4) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers and proceedings to the proper office of the Supreme Court in the county or district in which the application is made.

Transmission
of
proceedings

(5) When the papers and proceedings are received at the proper office of the Supreme Court, the proceedings are *ipso facto* removed into the Supreme Court.

Removal of
proceedings

(6) Where an application under subsection 1 is made to or is removed into the Supreme Court, the court may refer any question to a master or other officer for inquiry and report.

Reference
to master

(7) An appeal lies to the Court of Appeal from any order made under this section. 1967, c. 73, s. 62.

Appeal

PART VI

MISCELLANEOUS

63.—(1) Where in this Act any time is prescribed within which or before which any act or thing must be done, a judge on application may, upon such terms and conditions and with such notice, if any, as he may order, extend such time for compliance upon being satisfied that no interest of any other person will be prejudiced by such extension, but, in the event that it later appears that any such act or thing done within the period so extended has prejudiced the rights that any person acquired before the doing of such act or thing, such act or thing shall be presumed not to have been done in conformity with this Act for the purpose of obtaining the right that such person acquired before the doing of such act or thing.

Extension
of time

(2) A copy of an order made under subsection 1 shall for purposes of registration be attached to the document to which the order relates. 1967, c. 73, s. 63.

Idem

64. This Act applies only where the security interest attaches on or after the day on which this section comes into force, and, where the security interest attached before this section comes into force, the security interest continues to have such force and effect as if this Act had not been passed. 1967, c. 73, s. 64.

Application
of Act in
respect of
attachment

Transitional
provision
R.S.O. 1970,
cc. 33, 45, 76

65. Every security interest that was covered by an unexpired filing or registration under *The Assignment of Book Debts Act*, *The Bills of Sale and Chattel Mortgages Act* and *The Conditional Sales Act* when this section comes into force shall be deemed to have been registered and perfected under this Act and, subject to this Act, such registration continues the effect of the prior filing or registration for the unexpired portion of the filing or registration period. 1967, c. 73, s. 65.

Rules of
practice

66. Unless otherwise provided by this Act or the regulations, the Rules of Practice and Procedure of the Supreme Court apply to proceedings under this Act. 1967, c. 73, s. 66.

Destruction
of docu-
ments

67. Where books, documents, records, cards or papers have been preserved for the purposes of this Act for so long that it appears they need not be preserved any longer, the Inspector of Legal Offices may authorize their destruction. 1967, c. 73, s. 67.

Conflict

R.S.O. 1970,
c. 82

68. Where there is conflict between a provision of this Act and a provision of *The Consumer Protection Act*, the provision of *The Consumer Protection Act* prevails and, where there is conflict between a provision of this Act and a provision of any general or special Act, other than *The Consumer Protection Act*, the provision of this Act prevails. 1967, c. 73, s. 68.

References

69. The provisions of any general or special Act that relate to a security interest and that refer to *The Assignment of Book Debts Act*, *The Bills of Sale and Chattel Mortgages Act* or *The Conditional Sales Act* or any provision thereof shall be deemed to refer to this Act or to the corresponding provision of this Act, as the case may be, and not to *The Assignment of Book Debts Act*, *The Bills of Sale and Chattel Mortgages Act* or *The Conditional Sales Act*, as the case may be. 1967, c. 73, s. 69.

Regulations

70. The Lieutenant Governor in Council may make regulations,

- (a) designating branch offices;
- (b) approving the form of the seal of the registrar and each branch registrar;
- (c) prescribing the duties of the registrar and branch registrars;
- (d) prescribing business hours for the offices of the registration system or any of them;
- (e) respecting the registration system;
- (f) requiring the payment of fees and prescribing the amounts thereof;

- (g) prescribing the portion of the fees received under this Act that shall be paid into The Personal Property Security Assurance Fund;
- (h) governing practice and procedure applicable to proceedings under this Act;
- (i) prescribing forms and providing for their use;
- (j) prescribing the particulars referred to in section 46;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1967, c. 73, s. 70.

71. The moneys required for the purposes of this Act shall be paid out of such moneys as are appropriated therefor by the Legislature. 1967, c. 73, s. 71, *amended*. Expenses
of adminis-
tration

72. Sections 1 to 40, 44 and 46 to 69 do not come into force until a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment of
ss. 1 to
40, 44,
46 to 69

CHAPTER 345

The Personation Act

- 1.** Where a person is charged at a polling place with having committed the offence of personation, the deputy returning officer at such place may take the information in Form 1 on oath of the person making the charge and it is the duty of the deputy returning officer to take the information when requested so to do by a candidate or his agent. R.S.O. 1960, c. 292, s. 1, *amended*.

Information before officer at registry or polling place
- 2.** Where the information is laid before a deputy returning officer and a warrant for the arrest of the offender is issued by him under this Act, the punishment or penalty imposed by law may be imposed by or recovered before a provincial judge or two justices of the peace under *The Summary Convictions Act*. R.S.O. 1960, c. 292, s. 2, *amended*.

Mode of recovering penalty

R.S.O. 1970, c. 450
- 3.** Where the person against whom it is proposed to lay the information has not left the polling place, the deputy returning officer may, either of his own motion or at the request of any one proposing forthwith to lay an information against such person, detain him or direct his detention until an information can be laid and a warrant for his arrest issued. R.S.O. 1960, c. 292, s. 3.

When offender may be detained
- 4.** Where the information is laid, the deputy returning officer may on the polling day, but not afterwards, issue his warrant in Form 2 for the arrest of the person charged, in order that he may be brought before a provincial judge or justices of the peace to answer the information and to be further dealt with according to law. R.S.O. 1960, c. 292, s. 4, *amended*.

When warrant may be issued
- 5.** The warrant is sufficient authority for any constable, peace officer or superintendent of a correctional institution to detain such person until he is brought before a provincial judge or justices of the peace. R.S.O. 1960, c. 292, s. 5, *amended*.

Authority of constable, etc., under warrant
- 6.** Where the correct name of the person charged is unknown to the informant, it is sufficient in the information and other proceedings to describe the person charged as a person whose name is unknown, but who is detained by the authority of the deputy returning officer under this Act, or the person charged may be described in such other manner as will sufficiently identify him, but when the name of the person so charged has been ascertained, it shall be stated in any subsequent warrant or proceeding. R.S.O. 1960, c. 292, s. 6.

Where name of person charged is unknown

Authority of
certain
officers

7. Every poll clerk has the authority of a constable for the purpose of carrying out the provisions of this Act, and every deputy returning officer may appoint such special constables as he considers necessary for the like purpose, and such persons have full power to act without taking any oath. R.S.O. 1960, c. 292, s. 7.

Form of
information
and warrant

8. Informations and warrants may be in accordance with the forms in this Act, but it is not necessary for a warrant to have a seal affixed thereto, and the omission of a seal, where a warrant purports to be sealed, does not invalidate it. R.S.O. 1960, c. 292, s. 8, *amended*.

Supply of
forms

9. Every Crown attorney shall keep in his office a sufficient supply of printed forms of such informations and warrants, and shall upon the request of the returning officer furnish him with as many of such forms as are necessary for the use of the deputy returning officer, and every returning officer shall, before the polling day, furnish each deputy returning officer with at least ten of each of such forms. R.S.O. 1960, c. 292, s. 9.

Allowance to
Crown
attorney for
supplying
forms

10.—(1) For providing and furnishing the forms, the Crown attorney shall be allowed \$4 for each election for which such forms are supplied, to be paid on the production of the receipts of the officer or officers to whom they were furnished.

How
chargeable

(2) The fees and the disbursements of the Crown attorney in obtaining the forms shall form part of the expenses of criminal justice. R.S.O. 1960, c. 292, s. 10.

Pecuniary
penalty

11. Every person guilty of any wilful misfeasance, or any wilful act or omission in contravention of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, \$400. R.S.O. 1960, c. 292, s. 11.

FORM 1
(Section 1)

INFORMATION FOR PERSONATION AT A POLLING PLACE

County of..... } The information of of
 } the..... of....., taken this
To Wit: } day of....., 19....., before the
 } undersigned, a deputy returning officer at a polling
place in the..... of..... for an election then being
held of a Member of the Legislative Assembly for the Electoral District of.....

The informant says that he believes that.....(1)
on this day at the said polling place did commit the offence of personation contrary
to....., for that the said.....
.....
(2) did apply for a ballot paper in the name of another person, that is to say, in the
name of C. D. (3).

A.B.,
Informant.

Taken and sworn (4) before me at the said polling place on the day and year
above mentioned.

W.J.

NOTE—(1) *If the name of the person charged is unknown to the informant substitute* “a person whose name is unknown to the informant but who is now detained in the said polling place under my order.”

- (2) *Or*, “person whose name is unknown”.
- (3) *Or*, “having voted at the same election, did apply for a ballot paper in his own name”, or “did vote more than once at the same election”.
- (4) *Or, if the informant is a person who may by law affirm in civil cases then for* “sworn” substitute “solemnly affirmed”.

R.S.O. 1960, c. 292, Form 2, *amended*.

CHAPTER 346

The Pesticides Act**1. In this Act,**Interpre-
tation

- (a) “Board” means the Pesticides Licence Review Board;
- (b) “Committee” means the Pesticides Advisory Committee;
- (c) “Department” means the Department of Health;
- (d) “Director” means an officer of the Department designated by the Minister as Director for the purpose of this Act;
- (e) “extermination” means a land extermination or a structural extermination;
- (f) “extermination service” means a service or business carried on for the purpose of performing exterminations;
- (g) “exterminator” means a person who, by himself or by his employees, assistants or agents, performs or enters into a contract to perform an extermination;
- (h) “inspector” means a person designated under section 16 or a member of a class of persons designated by the regulations;
- (i) “land extermination” means the destruction, prevention or control on or over land of insects, vermin, birds, rodents or other pests, fungi or vegetation by the use of any toxic or noxious substance but does not include the destruction, prevention or control of termites;
- (j) “licence” means a licence issued under the regulations;
- (k) “Minister” means the Minister of Health;
- (l) “operator” means a person who has the control and management of an extermination service, and “operate” has a corresponding meaning;
- (m) “regulations” means the regulations made under this Act;
- (n) “structural extermination” means the destruction, prevention or control in, on or adjacent to a building or vehicle, of insects, vermin, birds, rodents or other pests or fungi, by the use of any toxic or noxious substance and includes the destruction, prevention or control of termites. 1967, c. 74, s. 1; 1968-69, c. 93, s. 1; 1970, c. 104, s. 1.

Prohibition
as to
extermina-
tions

2.—(1) No person shall engage in, perform or offer to perform an extermination unless he is licensed as an exterminator or is exempt under the regulations.

Idem,
carrying on
business as
extermina-
tor

(2) No person shall operate an extermination service unless he is licensed as an operator under this Act or is exempt under the regulations.

Idem,
employees
of
operators

(3) No person shall serve as an employee of an operator for a period longer than six months unless he is licensed as an assistant exterminator or is exempt under the regulations.

Idem,
employees
of
operators
doing land
extermina-
tions

(4) No person shall serve as an employee of an operator performing land exterminations for a period longer than seven days unless the operator notifies the Department in writing or the person is exempt under the regulations. 1967, c. 74, s. 2.

Respon-
sibility of
operators

3. Every operator is, with respect to an extermination, responsible for the acts or omissions of his employees, assistants and agents during the periods of extermination and airing out. 1967, c. 74, s. 3.

Liability
insurance

4. An operator shall insure against liability or furnish a bond as provided for by the regulations. 1967, c. 74, s. 4.

Advisory
Committee

5.—(1) The Lieutenant Governor in Council may appoint a committee consisting of not fewer than ten members to be known as the Pesticides Advisory Committee.

Quorum

(2) Six members of the Committee constitute a quorum.

Chairman
and
secretary

(3) The Lieutenant Governor in Council may designate one member of the Committee as chairman and may appoint a person who is not a member as secretary.

Functions

(4) The Committee shall,

- (a) review annually the content and operation of this Act and the regulations and recommend changes or amendments therein to the Minister;
- (b) inquire into and consider any matter the Committee considers advisable concerning the use of substances for exterminations that may affect public health or safety or the environment or produce other adverse effects, and any such matter referred to it by the Minister, and report thereon to the Minister; and
- (c) perform such other functions as the regulations prescribe. 1970, c. 104, s. 2, *part*.

Issuance of
licence

6.—(1) The Director shall issue a licence upon such terms and conditions as are specified in the regulations, to an applicant for

the particular class of licence applied for, where this Act and the regulations are complied with.

(2) The Director may revoke or suspend the licence where the operator or exterminator, Grounds
for
revocation

- (a) contravenes this Act or the regulations;
- (b) is in breach of a condition of the licence;
- (c) is found to be incompetent, or grossly negligent;
- (d) is found to have fraudulently misrepresented his services in performing an extermination or in carrying on the business of extermination. 1970, c. 104, s. 2, *part*.

7.—(1) The Lieutenant Governor in Council shall appoint a board, consisting of not more than five members, to be known as the Pesticides Licence Review Board and may designate one member of the Board as chairman. Pesticides
Licence
Review
Board

(2) Three members of the Board constitute a quorum. 1970, c. 104, s. 2, *part*. Quorum

8.—(1) Where the Director refuses to issue or proposes to revoke or suspend a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation or suspension, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after the receipt of the notice of refusal or proposed revocation or suspension, require a hearing by the Board. Notice of
refusal or
revocation

(2) The Board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed. Time for
hearing

- (3) The notice of hearing shall contain, Contents of
notice of
hearing
- (a) a statement of the time and place of the hearing, which shall not be longer than thirty days after notice is given to the Board under subsection 1;
 - (b) a statement of the statutory power under which the hearing is being held;
 - (c) a reference to the rules of procedure applicable to the hearing;
 - (d) a concise statement of the issues; and
 - (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings. 1970, c. 104, s. 2, *part*.

- Parties** **9.**—(1) The Director, the applicant or licensee and any other person specified by the Board are parties to the hearing.
- Non-appearance** (2) If a person who has been duly notified of a hearing does not attend, the Board may proceed in his absence. 1970, c. 104, s. 2, *part.*
- Adjournments** **10.**—(1) A hearing may be adjourned from time to time by the Board on reasonable grounds,
- (a) on its own motion; or
 - (b) on the motion of any party to the hearing.
- Subpoenas** (2) The Board may command the attendance before it of any person as a witness.
- Oaths** (3) The Board may require any person,
- (a) to give evidence on oath or by affirmation at a hearing; and
 - (b) to produce such documents and things as the Board requires.
- Idem** (4) The Board may admit evidence not given under oath.
- Offences** (5) Any person who, without lawful excuse,
- (a) on being duly summoned as a witness before the Board makes default in attending; or
 - (b) being in attendance as a witness before the Board, refuses to take an oath or affirmation legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or
 - (c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,
- is guilty of an offence.
- Enforcement** (6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. 1970, c. 104, s. 2, *part.*
- Right of party to counsel** **11.**—(1) Any party may be represented before the Board by counsel or agent.
- Right of witness to counsel** (2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only

advise the witness and state objections under the provisions of the relevant law.

(3) Any party who is present at a hearing before the Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Rights of parties at hearing

(4) All hearings shall be open to the public. 1970, c. 104, s. 2, *part.* Hearings public

12.—(1) Upon a review, the Board shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Board form the record. Evidence

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. 1970, c. 104, s. 2, *part.* Release of exhibits

13.—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper and for this purpose the Board may substitute its opinion for that of the Director. Powers of Board

(2) The decision of the Board, including the reasons therefor, shall be in writing. Decision to be in writing

- (3) The reasons for the final decision shall contain, Content of reasons
- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
 - (b) any agreed findings of fact; and
 - (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Board shall serve each party with a copy of its final decision, together with the reasons therefor and a notice stating the right of appeal. 1970, c. 104, s. 2, *part.* Notice of decision

14.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision Decision of court

of the Board or direct the Director or the Board to do any act the Director or the Board is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Director and the Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. 1970, c. 104, s. 2, *part*.

Protection
from
personal
liability

15. No action or other proceeding for damages shall be instituted against the Director, any member of the Board or of the Committee or anyone acting under the direction of such Director or member for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. 1970, c. 104, s. 2, *part*.

Inspectors

16. The Minister may designate one or more persons as inspectors for the purposes of this Act and the regulations. 1967, c. 74, s. 8.

Powers

17. Any inspector for the purposes of this Act and the regulations may enter and inspect any premises or vehicle and take samples of,

- (a) substances used for extermination;
- (b) soil or water; or
- (c) food for man or animal. 1967, c. 74, s. 9.

Order for
termination
of exter-
mination

18. Where an inspector is of the opinion that an extermination is or may be dangerous to health, he may order that the extermination be terminated. 1967, c. 73, s. 10.

Obstruction
of inspector

19. No person shall obstruct, hinder, delay or prevent an inspector in the exercise of his powers or in the performance of his duties. 1967, c. 74, s. 11.

Appeal from
order of
inspector

20.—(1) A person who is affected by an order made under section 18 may appeal therefrom to an officer of the Department designated by the Minister.

Nature of
appeal

(2) The appeal may be made in person or by telephone or otherwise.

Disposition
of appeal

(3) The designated officer may vary, rescind or confirm the order of the inspector. 1967, c. 74, s. 12.

Regulations

21. The Minister, with the approval of the Lieutenant Governor in Council, may make regulations,

1. prescribing the qualifications of exterminators and assistant exterminators and providing for the examination of applicants for licences as exterminators and assistant

- exterminators, and prescribing fees for such examination;
2. providing for the appointment of examiners for applicants for licences, the period for which such appointments may be made and the remuneration of examiners;
 3. prescribing the qualifications and conditions for an operator's licence;
 4. providing for different classes of exterminators, assistant exterminators and operators, the issue and renewal of licences to exterminators, assistant exterminators and operators in each class, the fees therefor, and the terms upon which licences may be issued, renewed, suspended or cancelled;
 5. requiring applicants for licences as exterminators or assistant exterminators to undergo a medical examination;
 6. prescribing the procedures, conditions and notices for exterminations and for the airing out of buildings and vehicles;
 7. fixing the amount and type of insurance or bond that shall be carried or furnished by operators, and prescribing the form, requirements and terms thereof;
 8. providing for the issue of permits for exterminations and the terms upon which permits may be issued, refused or cancelled;
 9. prescribing that a type or class of structural extermination may be deemed a land extermination and prescribing that a type or class of land extermination may be deemed a structural extermination for the purpose of this Act and the regulations;
 10. permitting or prohibiting any class of operator or exterminator from performing or undertaking to perform any extermination for which the members of the class are not licensed and prescribing the conditions thereof;
 11. exempting any person or class of persons from this Act and the regulations or any provision thereof;
 12. exempting any substance, machine, apparatus, equipment or class thereof from this Act and the regulations, or any provision thereof;
 13. exempting any type or class of building, vehicle or land from this Act and the regulations or any provision thereof;

14. regulating or prohibiting the installation, operation, maintenance and use of any machine, apparatus or equipment used for extermination;
15. governing the signs, marking or other identification of vehicles or machines used in land exterminations;
16. regulating the construction of any enclosed space or vault in which movable property may be placed during the periods of extermination and airing out;
17. prescribing functions, practices and procedures, tenure of office and remuneration of the Committee;
18. designating classes of persons as inspectors;
19. governing, regulating or prohibiting the use, handling or storage of substances used for extermination;
20. governing the storage and disposal of any unused portion of any substance used for extermination;
21. classifying and designating substances used for extermination, and prohibiting any class of exterminators from using such substances or any of them;
22. requiring and providing for the registration of persons who sell or offer for sale or distribute any designated substance used for extermination;
23. requiring persons who handle or use any designated substance used for extermination to undergo medical examination and supervision, and providing for such medical examination and supervision;
24. regulating the type of containers for substances used for extermination, other than the containers in which such substances are sold or offered for sale, and the labelling thereof;
25. regulating the disposal of containers of any substance used for extermination;
26. prescribing the records to be kept and returns to be made by persons licensed or registered under the regulations;
27. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1967, c. 74, s. 13; 1970, c. 104, s. 3.

Offence

22. Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than three months, or to both. 1967, c. 74, s. 14; 1970, c. 104, s. 4.

CHAPTER 347

The Petty Trespass Act

1.—(1) Every person who unlawfully enters or in any other way trespasses upon another person's land, Offence of petty trespass

(a) that is enclosed;

(b) that is a garden or lawn; or

(c) with respect to which he has had notice by word of mouth, or in writing, or by posters or sign boards so placed as to be visible from every point of access to the land, not to trespass,

and whether or not any damage has been occasioned thereby, is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100. R.S.O. 1960, c. 294, s. 1 (1); 1960-61, c. 74, s. 1.

(2) Where an offence under subsection 1 is committed by means of a motor vehicle, the driver of the motor vehicle, not being the owner, is liable to the fine provided under subsection 1 and the owner of the motor vehicle is also liable to the fine provided under subsection 1 unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent. R.S.O. 1960, c. 294, s. 1 (2). Trespass by means of motor vehicle

2. Every person found committing such a trespass may be apprehended without warrant by any peace officer, or by the owner of the land on which it is committed, or the servant of, or any person authorized by such owner, and be forthwith taken before the nearest justice of the peace to be dealt with according to law. R.S.O. 1960, c. 294, s. 2. Arrest of trespasser without warrant

3. Nothing in this Act authorizes any justice of the peace to hear and determine a case of trespass in which the title to land, or to any interest therein, is called in question or affected, but every such case shall be dealt with according to law in the same manner as if this Act had not been passed. R.S.O. 1960, c. 294, s. 3. Saving cases involving title to land

4. Nothing in sections 1 and 2 extends to a case where the person trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of, or to a case within section 373 of the *Criminal Code* (Canada). R.S.O. 1960, c. 294, s. 4. Saving persons claiming a right 1953-54, c. 51 (Can.)

By-laws to
declare
boundaries
in marshes

5. The council of a township may pass by-laws for declaring that in the case of land, the boundary line or any part of the boundary line of which passes through a marsh or swamp or any land covered with water, the land, so far as respects that part of the boundary line that so passes, shall be deemed to be wholly enclosed within the meaning of this Act if posts are maintained along such part at intervals that permit of each post being clearly visible from the next post. R.S.O. 1960, c. 294, s. 5.

CHAPTER 348

The Pharmacy Act

1. In this Act,

Interpre-
tation

- (a) “College” means The Ontario College of Pharmacy;
- (b) “Council” means the Council of The Ontario College of Pharmacy;
- (c) “dentist” means a person legally qualified and entitled to practise the profession of dentistry in Ontario;
- (d) “drug” means,
 - (i) any substance that is classified as a drug in any of the following publications:

Name	Abbre- viation	Edition
Pharmacopoea Internationalis	(Ph.I.)	I and Supp. 1959
The Canadian Formulary	(C.F.)	1949
The British Pharmacopoeia	(B.P.)	1963
The British Pharmaceutical Codex	(B.P.C.)	1963
The Pharmacopoeia of the United States of America	(U.S.P.)	XVII
The National Formulary	(N.F.)	XII
New Drugs		1965
Codex Francais	(Codex)	VIII

- (ii) any preparation containing any substance mentioned in subclause i, or
- (iii) any substance that is offered for sale or sold for the prevention or treatment of any ailment, disease or physical disorder, or
- (iv) any substance that is named by the regulations, or
- (v) any preparation containing or represented as containing one or more of the following vitamins that

furnishes in the largest recommended daily intake more than the number of units or amounts of such vitamins as are prescribed by the regulations:

1. vitamin A or provitamin A,
2. thiamine,
3. riboflavin,
4. niacin or niacinamide,
5. folic acid,
6. vitamin B12,
7. ascorbic acid,
8. vitamin D,
9. vitamin E,
10. vitamin K,

but does not include any such substance or preparation offered for sale or sold as, or as part of, a food, drink or cosmetic or for any purpose other than the prevention or treatment of any ailment, disease or physical disorder;

- (e) “intern” means an apprentice who is registered under section 20;
- (f) “Minister” means the Minister of Health;
- (g) “pharmaceutical chemist” means a member of the College registered under this Act;
- (h) “pharmacy” means a shop operated for the purpose of,
- (i) selling by retail poisons or drugs, or
 - (ii) compounding and dispensing prescriptions of legally qualified medical practitioners, dentists and veterinary surgeons;
- (i) “poison” means,
- (i) any substance referred to in Schedule A,
 - (ii) any preparation referred to in Schedule A, or
 - (iii) where no preparation is referred to in Schedule A in respect of any substance in the Schedule, any preparation containing such substance;
- (j) “prescription” means a direction from a legally qualified medical practitioner, dentist or veterinary surgeon directing the dispensing of any drug or mixture of drugs to a named person;
- (k) “registrar” means the registrar appointed by the Council under this Act;
- (l) “regulations” means the regulations made under this Act;
- (m) “veterinary medicine” means any substance or preparation, other than a substance or preparation referred to in

Schedule D, that is used or intended for use for the prevention or treatment of any ailment, disease or physical disorder of animals or birds;

- (n) “veterinary surgeon” means a person who holds a certificate entitling him to practise veterinary science under *The Veterinarians Act*. R.S.O. 1960, c. 295, s. 1; 1961-62, c. 103, s. 1 (2); 1964, c. 89, s. 1; 1966, c. 115, s. 1, *amended*. R.S.O. 1970,
c. 480

2. Nothing is this Act,

Exemptions

- (a) prevents a person from selling or affects or interferes with the sale by any person of,
- (i) any medicine registered under the *Proprietary or Patent Medicine Act* (Canada), R.S.C. 1952,
c. 220
 - (ii) any substance registered under the *Pest Control Products Act* (Canada) and sold in accordance with its provisions, R.S.C. 1952,
c. 209
 - (iii) Any feeding stuffs registered under the *Feeding Stuffs Act* (Canada); R.S.C. 1952,
c. 113
- (b) affects or interferes with the rights or privileges conferred upon a legally qualified medical practitioner by *The Medical Act*; R.S.O. 1970,
c. 268
- (c) affects or interferes with the rights or privileges conferred upon a chiropodist by *The Chiropody Act*; R.S.O. 1970,
c. 70
- (d) prevents any person from selling any poison or drug to a legally qualified medical practitioner, dentist, veterinary surgeon or pharmaceutical chemist;
- (e) prevents a legally qualified medical practitioner or dentist from compounding, dispensing, selling or supplying such drugs as he prescribes in the course of the practice of his profession;
- (f) prevents a veterinary surgeon or any person designated by him for the purpose from compounding, dispensing, selling or supplying,
- (i) veterinary medicine, or
 - (ii) such substance or preparation referred to in Schedule D as he prescribes or specifies,
- in the course of the practice of his profession;
- (g) interferes with the business of wholesale dealers in supplying poisons to persons entitled to sell them by retail, if the containers in which they are supplied are marked or labelled in accordance with section 46;
- (h) interferes with the business of wholesale dealers in supplying poisons in the course of such wholesale business to any person for any purpose other than for sale by retail;

- (i) affects or interferes with the compounding, dispensing or supplying of poisons or drugs in any hospital or institution approved or licensed under any general or special Act;
- (j) prevents a person from selling or affects or interferes with the sale by any person of any article or substance referred to in Part I of Schedule B;
- (k) prevents a person from selling or affects or interferes with the sale by any person of any article or substance referred to in Parts II, III, and IV of Schedule B, except that,
 - (i) where the article or substance is sold at retail it shall be labelled as prescribed by the regulations respecting such article or substance, and
 - (ii) where the article or substance is sold at retail for the prevention or treatment of any ailment, disease or physical disorder by any person other than a pharmaceutical chemist, it shall be sold in the container in which it was purchased by the person who so sells it at retail. R.S.O. 1960, c. 295, s. 2; 1968, c. 95, s. 1; 1968-69, c. 94, s. 1, *amended*.

PART I

THE COLLEGE

College
continued

3. The Ontario College of Pharmacy is continued under that name as a body corporate and for the purposes of the College may purchase, acquire, hold, mortgage, lease and dispose of real and personal property. R.S.O. 1960, c. 295, s. 3.

Council

4.—(1) There shall continue to be a Council of the College the members of which shall be elected from among members of the College registered under this Act.

Dean
ex officio
member

(2) The Dean of the Faculty of Pharmacy of the University of Toronto is *ex officio* a member of the Council. R.S.O. 1960, c. 295, s. 4 (1, 2).

Term of
office

(3) Each elected member of the Council shall hold office for a period of two years commencing on the first Monday in October next following his election. R.S.O. 1960, c. 295, s. 4 (3); 1966, c. 115, s. 2.

Electoral
divisions

5. The Council shall by by-law divide Ontario into not fewer than thirteen and not more than fifteen electoral divisions and shall fix the boundaries of such divisions. R.S.O. 1960, c. 295, s. 5.

Redivision

6.—(1) The Council may by by-law redivide Ontario into not fewer than thirteen and not more than fifteen electoral divisions or may rearrange the boundaries of the electoral divisions. R.S.O. 1960, c. 295, s. 6 (1).

(2) Not more than one by-law to vary the number of electoral divisions or to vary the boundaries thereof shall be passed in any period of five years. R.S.O. 1960, c. 295, s. 6 (2); 1961-62, c. 103, s. 2. Number of
by-laws
restricted

7.—(1) An election of the members of the Council who are to be elected shall be held on the first Wednesday in August in every second year following the last preceding election, and, Election of
members of
Council

(a) one member of the Council shall be elected from each electoral division from among those entitled to vote in such electoral division; and

(b) one member of the Council shall be elected from among the members of the College who on the 1st day of June immediately preceding the election are practising in hospitals approved under *The Public Hospitals Act*. R.S.O. 1970,
c. 378

(2) Every member of the College registered under this Act who is not in default in payment of any fees payable by him under this Act, Members
entitled
to vote

(a) may vote in the electoral division in which his place of business or employment is located on the 1st day of June immediately preceding the election; or

(b) if his place of business or employment is in more than one electoral division on the 1st day of June immediately preceding the election, he shall name one of such divisions as his principal place of business or employment and may vote in that division only; or

(c) if he has no fixed place of business or employment in Ontario, he may vote in the electoral division in which he resided on the 1st day of June immediately preceding the election; or

(d) if he is employed on the 1st day of June immediately preceding the election in a hospital approved under *The Public Hospitals Act*, he may vote only for a member to be elected from among members so employed. 1966, c. 115, s. 3.

8. The Council, at its first meeting, shall elect a president and a vice-president from among its members. R.S.O. 1960, c. 295, s. 8. Election of
president
and vice-
president

9. The Council shall appoint a registrar who shall hold office during the pleasure of the Council and shall receive such remuneration as the Council may determine. R.S.O. 1960, c. 295, s. 9. Registrar

10. The Council shall hold at least two meetings for the transaction of general business in every year at such times and at Meetings of
Council

such places as it from time to time may by resolution determine. R.S.O. 1960, c. 295, s. 10.

Vacancy on
Council

11. If a member of the Council ceases to be qualified to vote in the electoral division for which he was elected, he ceases to be a member of the Council. R.S.O. 1960, c. 295, s. 11.

Filling
vacancy on
Council

12. A member of the Council may at any time by giving notice in writing to the registrar, resign his office, and in case of a vacancy occurring through resignation or otherwise,

- (a) if the vacancy occurs more than six months before the date a general election is required to be held, an election shall be held within one month of the occurrence of the vacancy in the electoral division in which the vacancy occurred; or
- (b) if the vacancy occurs less than six months before the date a general election is required to be held, the Council, at its next regular meeting after the vacancy occurs, shall appoint a member of the College qualified to vote in the electoral division in which the vacancy occurred to fill the vacancy for the balance of the term. R.S.O. 1960, c. 295, s. 12.

Power of
Council as
to property
of College

13. The Council has sole control and management of the real and personal property of the College. R.S.O. 1960, c. 295, s. 13.

Operation
of school

14. The Council may establish, maintain and operate a school for the education of students of pharmacy and appoint such teachers, examiners, inspectors and such other officers and employees as it considers necessary. R.S.O. 1960, c. 295, s. 14.

Grants by
Council

15. The Council may make grants out of College funds to the Canadian Pharmaceutical Association or to any other association that in the opinion of the Council promotes the interests of pharmacy or of those engaged in the practice thereof and may appoint from time to time representatives to attend meetings of any such association and may pay the expenses of such representatives out of College funds. R.S.O. 1960, c. 295, s. 15.

Honorary
membership

16. The Council may elect as honorary members of the College such persons as they consider eminent for scientific attainments, but no such honorary member as such is entitled to vote at elections or to operate a pharmacy. R.S.O. 1960, c. 295, s. 16.

By-laws

17. The Council may pass by-laws,

- (a) providing for the discipline, suspension or expulsion for cause of students at any school operated by the Council;

- (b) providing for the remuneration and expenses of members of the Council or of persons employed by the Council while engaged upon the business of the College;
- (c) regulating the calling and conduct of its meetings and proceedings;
- (d) providing for the appointment and remuneration of teachers, examiners, inspectors and such other persons as the Council may employ and prescribing their duties;
- (e) providing for the holding of elections of members of the Council to be elected including the nominations of candidates, the notice of elections, the taking of the vote and a casting vote in case of an equality of votes;
- (f) fixing the date for payment of any annual fee required to be paid under this Act;
- (g) providing for the appointment of a discipline committee composed of not fewer than seven members of the Council and such other committees as the Council considers necessary. R.S.O. 1960, c. 295, s. 17.

18. No action shall be brought against the College or any officer thereof or any member of the Council for or in respect of anything done in good faith under this Act, notwithstanding any want of form in any proceedings. 1966, c. 115, s. 4.

Action
against
College,
officer or
member

19.—(1) Every applicant for registration as a pharmaceutical chemist, Registration

- (a) who,
 - (i) has been granted the degree of Bachelor of Science in Pharmacy by the University of Toronto or such other degree by such university or institution of learning as the regulations prescribe, or
 - (ii) has completed such course of study and has passed such examinations as the regulations prescribe; and
- (b) who has served as an apprentice for such term and in accordance with such conditions as the regulations prescribe; and
- (c) who has paid the fees for registration prescribed by the regulations; and
- (d) who makes application for registration within such period as the regulations prescribe,

shall be registered as a pharmaceutical chemist and thereupon becomes a member of the College. R.S.O. 1960, c. 295, s. 18; 1961-62, c. 103, s. 3.

(2) A person who fails to make an application for registration within the time prescribed by the regulations, but who is otherwise entitled to registration under subsection 1, may on application have his name entered on the register on passing such examinations as the regulations prescribe. 1966, c. 115, s. 5.

Idem

Registers

20.—(1) The registrar shall keep,

- (a) a register of all persons registered under this Act as pharmaceutical chemists showing their places of business or employment from time to time;
- (b) a register of all persons registered under this Act as apprentices showing the name and business address of the pharmaceutical chemist to whom each is apprenticed; and
- (c) a register of all persons registered under this Act as interns showing their places of employment from time to time and the name and business address of the pharmaceutical chemist to whom each is apprenticed. R.S.O. 1960, c. 295, s. 19 (1); 1964, c. 89, s. 3.

Entry

(2) When the registrar is satisfied that an applicant for registration is entitled to be registered, he shall enter the name of the applicant in the proper register.

Entry on
order of
Council

(3) If an application for registration is refused by the registrar or an entry is made in a register in error or by reason of misrepresentation, the Council may direct that any necessary entry, erasure or amendment be made in the register and the registrar shall make such entry, erasure or amendment. R.S.O. 1960, c. 295, s. 19 (2, 3).

Registration
of
apprentices
as interns

21. Every apprentice who,

- (a) has been granted the degree of Bachelor of Science in Pharmacy by the University of Toronto or such other degree by such university of learning as the regulations prescribe; and
- (b) has served as an apprentice for such term and in accordance with such conditions as the regulations prescribe,

upon making application therefor, shall be registered as an intern. 1964, c. 89, s. 4.

Fees

22.—(1) There is payable to the registrar for the use of the College on such date in each year as is fixed by by-law such annual fees as the regulations prescribe,

- (a) by every pharmaceutical chemist;
- (b) in addition to the fee paid under clause *a*, by every pharmaceutical chemist who is owner or manager of a pharmacy;
- (c) in addition to the fees paid under clauses *a* and *b*, by every pharmaceutical chemist who is a director of a corporation operating a pharmacy; and
- (d) by every person or corporation operating more than one pharmacy, for each additional pharmacy.

(2) Every person or corporation upon payment of any of the fees referred to in subsection 1 is entitled to receive a certificate of payment in such form as the Council may prescribe.

Certificate
of payment

(3) No person who is in default in payment of any fee payable by him under this section is entitled to exercise any of the rights or privileges of a pharmaceutical chemist. R.S.O. 1960, c. 295, s. 20.

Person in
default in
payment
of fees

23.—(1) Every person when his name is entered in the register as a pharmaceutical chemist is entitled to receive a certificate of registration which is valid until the date fixed for the payment of the annual fee.

Certificate
of registra-
tion

(2) Every pharmaceutical chemist upon payment of the annual fee prescribed by the regulations under clause *a* of subsection 1 of section 22 is entitled to a renewal of a certificate of registration which is valid for one year from the date fixed for payment of the annual fee.

Renewal

(3) A certificate of registration and a renewal thereof shall be under the seal of the College in such form as the Council may prescribe, and is *prima facie* evidence of registration under this Act.

Form

(4) Every pharmaceutical chemist shall display his certificate of registration and any renewal thereof in a conspicuous position in his pharmacy or in the pharmacy in which he is employed. R.S.O. 1960, c. 295, s. 21.

Display

24. A copy of any writing, paper or document furnished to the registrar pursuant to this Act or any statement containing information from the records required to be kept by the registrar under this Act purporting to be certified by the registrar under the seal of the College is admissible in evidence in all courts as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the registrar and without proof of the seal. R.S.O. 1960, c. 295, s. 22.

Registrar's
certificate
as evidence

25. In any prosecution under this Act, a certificate as to the analysis of any drug or poison purporting to be signed by a Dominion or Provincial analyst is admissible in evidence as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the analyst. R.S.O. 1960, c. 295, s. 23.

Analyst's
certificate
as evidence

26. The Council, with the approval of the Lieutenant Governor in Council, may make regulations,

Regulations

- (a) prescribing the qualifications of apprentices and the length of term and the terms and conditions of apprenticeship;
- (b) prescribing the length of the term of apprenticeship and other requirements for registration as interns;

- (c) providing for the registration of apprentices and interns and prescribing the fees therefor;
- (d) prescribing the qualifications of, and the courses of studies to be completed by, candidates for registration as pharmaceutical chemists under this Act;
- (e) designating the universities or other institutions of learning at which the courses of studies may be undertaken and degrees may be obtained under this Act, and providing for the registration of students and prescribing the fees therefor;
- (f) prescribing the examinations to be passed and the degrees to be obtained by candidates for registration as pharmaceutical chemists;
- (g) providing for the approval by the Council of persons who may be registered as pharmaceutical chemists without examination and prescribing the qualifications of such persons;
- (h) prescribing the fees to be paid by applicants for registration as pharmaceutical chemists and by other persons referred to in section 22. R.S.O. 1960, c. 295, s. 24; 1961-62, c. 103, s. 4; 1964, c. 89, s. 5.

Notification
of registrar
re opening
of business

27.—(1) Every person who proposes to open a new pharmacy or who acquires an existing pharmacy shall, within the time prescribed by subsection 2, furnish the registrar with a signed statement showing,

- (a) his full name;
- (b) his place of residence;
- (c) the location of his place of business;
- (d) the date he proposes to commence business or, if he has acquired an existing pharmacy, the date that he acquired it.

Time of
notification

(2) If such person proposes to open a new pharmacy, he shall furnish the information required by subsection 1 at least thirty days before he opens such pharmacy, and, if he proposes to operate an existing pharmacy, he shall furnish such information before he operates the pharmacy. R.S.O. 1960, c. 295, s. 25.

Registrar to
be notified
of names of
directors
and share-
holders

28. Every corporation operating a pharmacy shall,

- (a) before commencing business, notify the registrar of the names and addresses of the directors and shareholders of the corporation and the number of shares held by each; and
- (b) when requested by the registrar by registered mail, notify the registrar within seven days of the receipt of such request of the names and addresses of the directors and shareholders, and the number of shares held by each

as of the date the request was received. R.S.O. 1960, c. 295, s. 26.

29. The owner of every pharmacy shall, on or before the 10th day of January in each year, notify the registrar of the name of the manager of each pharmacy owned by him and of the pharmaceutical chemists and registered apprentices employed therein, and shall notify the registrar of any change in the management, or in the pharmaceutical chemists or apprentices employed, within five days of such change. R.S.O. 1960, c. 295, s. 27.

Owner to
notify
registrar
of manager,
etc.

30. The Council, with the approval of the Lieutenant Governor in Council, may make regulations prescribing the books and records to be kept, returns to be made and information to be furnished with respect to pharmacies and the examination and audit that shall be made of such books and records. R.S.O. 1960, c. 295, s. 28.

Books,
records,
returns, etc.,
of
pharmacies

31. The Council, with the approval of the Lieutenant Governor in Council, may make regulations prescribing standards for the maintenance and operation of pharmacies including the space, equipment and facilities required therefor. 1964, c. 89, s. 6.

Operation of
pharmacies

32.—(1) The Council or the discipline committee appointed under a by-law passed by the Council may direct that the registration of any person be cancelled, or that the registration of any person be suspended for such time as the Council or the discipline committee considers proper,

Cancellation
of registra-
tion

- (a) if such person has been convicted of an offence against any Act of the Parliament of Canada or of the legislature of any province of Canada relating to the sale of drugs, poisons, medicines or alcoholic liquors; or
- (b) if such person has been declared to be mentally incompetent under *The Mental Incompetency Act* or is an involuntary patient in a psychiatric facility under *The Mental Health Act*; or
- (c) if it finds that such person has been guilty of negligence, incompetency or improper conduct in a professional respect,

R.S.O. 1970,
cc. 271, 269

and the registrar shall note such cancellation or suspension in the register, and any certificate issued to such person under this Act is thereby cancelled or suspended, as the case may be, and shall be surrendered forthwith to the registrar. R.S.O. 1960, c. 295, s. 29 (1); 1966, c. 115, s. 6 (1), *amended*.

(2) Five members of the discipline committee constitute a quorum for the purposes of this section.

Quorum of
discipline
committee

Hearing (3) Before the Council or discipline committee cancels or suspends any registration under this section it shall afford the person against whom the complaint has been made an opportunity of appearing before it and of presenting such evidence and making such representations as he desires.

Prohibition to carry on business when registration cancelled (4) A pharmaceutical chemist or apprentice whose registration has been cancelled or suspended under this section shall not operate a pharmacy either on his own behalf or as an employee and shall not act as a director or vote or interfere as a shareholder in a corporation operating a pharmacy. R.S.O. 1960, c. 295, s. 29 (2-4).

Appeal (5) A pharmaceutical chemist or an apprentice whose registration has been cancelled or suspended under this section may within one month appeal to the Court of Appeal, and the court may, upon the hearing of the appeal, make such order as to the reinstatement of the pharmaceutical chemist or apprentice or confirming the cancellation or suspension or for further inquiry by the discipline committee or the Council into the facts of the case and as to costs as the court considers just. 1966, c. 115, s. 6 (2), *part, amended*.

Reinstatement (6) The Council may upon application reinstate a person whose registration has been cancelled or suspended under this section. R.S.O. 1960, c. 295, s. 29 (6).

Idem (7) The appeal may be by motion, notice of which shall be served upon the registrar and shall be founded upon a copy of the proceedings before the discipline committee or Council, the evidence taken and the decision of the discipline committee or Council, certified by the registrar, and the registrar shall, upon the request of any person desiring to appeal and upon payment of the cost thereof, furnish to any such person a certified copy of all proceedings, decisions and papers upon which the discipline committee or Council has acted in making the decision complained of. 1966, c. 115, s. 6 (2), *part*.

Subpoenas **33.**—(1) The Council and a member who is the subject of disciplinary proceedings may, without leave or order, obtain from the Supreme Court a subpoena commanding the attendance and examination of any witness and also the production of any document, the production of which could be compelled at the trial of an action, to and before the discipline committee at the time and place mentioned in the subpoena, and disobedience to the subpoena shall be deemed a contempt of court, but the person whose attendance is required is entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in the Supreme Court. 1965, c. 97, s. 1, *part*.

Testimony may be under oath, etc. (2) The testimony of witnesses at hearings of the Council or discipline committee under section 32 may be taken under oath to

be administered by the presiding officer of the Council or discipline committee, as the case may be, and there shall be full right to cross-examine all witnesses called and to call evidence in defence and in reply.

(3) Where the Council or the discipline committee cancels or suspends the registration of a person who has been convicted of an offence against any Act of the Parliament of Canada or of the legislature of any province of Canada relating to the sale of drugs, poisons, medicines or alcoholic liquors, or of a person who has been guilty of negligence, incompetency or improper conduct in a professional respect, it may direct that the member pay to the College the costs of and incidental to the disciplinary proceedings, including the cost of reporting and transcribing the evidence, and such costs shall be taxed on the Supreme Court scale by the taxing officer of the Supreme Court at Toronto, upon whose certificate execution may issue out of the Supreme Court for the collection of such costs by the College as upon a judgment in an action in such court. 1966, c. 115, s. 7. Costs

34. Where a person has not paid any annual fee as required by subsection 1 of section 22 within fifteen days after the date it was payable, the registrar may give him notice of such default by registered mail, sent to his last address as shown on the register, and if default continues for fifteen days thereafter the Council may direct that the registration of such person be cancelled, and the registrar shall note such cancellation in the register, and any certificate issued to such person under this Act is thereby cancelled. R.S.O. 1960, c. 295, s. 30 (1). Cancellation of registration for failure to pay fees

35. A pharmaceutical chemist may on application in writing to the registrar and upon surrender of his certificate of registration have his name erased from the register. R.S.O. 1960, c. 295, s. 31 (1). Voluntary erasing of name from register

36. A person whose application for reinstatement has been approved by the Council under subsection 6 of section 32, and a person whose registration has been cancelled under section 34 or erased under section 35, and who is otherwise eligible for registration, may on application have his name re-entered on the register, Reinstatement, etc.

- (a) where such person's registration has been cancelled or erased for a period longer than five years by,
 - (i) payment of arrears of fees for the previous five years,
 - (ii) passing such examinations as the regulations prescribe, and
 - (iii) payment of the examination fee prescribed by regulation;

- (b) where such person's registration has been cancelled or erased for a period of less than five years by,
 - (i) payment of all arrears of fees, and
 - (ii) payments of a reinstatement fee of \$50. 1961-62, c. 103, s. 7.

Prohibition
against use
of certain
titles

37. No person other than a pharmaceutical chemist shall,

- (a) assume or use the title,
 - (i) chemist and druggist,
 - (ii) chemist, in connection with a retail business,
 - (iii) druggist,
 - (iv) pharmacist,
 - (v) pharmaceutical chemist,
 - (vi) apothecary,
 - (vii) dispensing chemist, or
 - (viii) dispensing druggist; or
- (b) use the designation,
 - (i) drug store, or
 - (ii) pharmacy; or
- (c) use, in connection with a retail business, the designation,
 - (i) drug sundries,
 - (ii) drug or drugs, or
 - (iii) medicines; or
- (d) use any sign or emblem, title or advertisement that implies or is calculated to lead the public to infer that he is registered as a pharmaceutical chemist under this Act. R.S.O. 1960, c. 295, s. 32.

Medical
practitioner
carrying on
business

38. Where a legally qualified medical practitioner desires to operate a pharmacy, he shall not be required to pass the examinations prescribed by the regulations, but he shall register as a pharmaceutical chemist and comply with all other requirements of this Act. R.S.O. 1960, c. 295, s. 33.

Operation of
pharmacies
by
corporation

39.—(1) No corporation shall operate a pharmacy unless the majority of the directors of the corporation are registered as pharmaceutical chemists under this Act.

Idem

(2) No corporation shall operate a pharmacy unless a majority of each class of shares of the corporation is owned by and registered in the name of pharmaceutical chemists.

Application
of subs. 2

(3) Subsection 2 does not apply to any corporation operating a pharmacy on the 14th day of May, 1954. R.S.O. 1960, c. 295, s. 34.

40. Any record required to be kept under this Act shall be open to inspection by any constable or other police officer or by any inspector appointed under a by-law passed by the Council. R.S.O. 1960, c. 295, s. 35. Records open to inspection

41. An inspector appointed under a by-law passed by the Council under this Act may enter any pharmacy or other shop in the performance of his duties under this Act at all reasonable times. R.S.O. 1960, c. 295, s. 36. Inspector's power of entry

PART II

SALE OF POISONS AND DRUGS

42.—(1) No person or corporation shall keep open or operate a pharmacy unless it is under the personal supervision of and is managed by a pharmaceutical chemist. R.S.O. 1960, c. 295, s. 37. Operation of pharmacy

(2) No person or corporation shall keep open or operate a pharmacy unless the space, equipment and facilities comply with the regulations. 1964, c. 89, s. 7. Idem

43.—(1) Except as otherwise provided in this Act or the regulations, no person, other than a pharmaceutical chemist, shall, Prohibition re sale of poisons, etc.

- (a) keep open shop for retailing, dispensing or compounding any poison or drug; or
- (b) sell, offer for sale or keep for sale, by retail any poison or drug; or
- (c) dispense or compound prescriptions of legally qualified medical practitioners, dentists or veterinary surgeons. R.S.O. 1960, c. 295, s. 38 (1).

(2) Clauses *b* and *c* of subsection 1 do not apply to an apprentice registered under this Act when acting under the supervision of a pharmaceutical chemist or to an intern. R.S.O. 1960, c. 295, s. 38 (2); 1964, c. 89, s. 8. Apprentices

44. No person or corporation shall sell by wholesale any poison or drug for the purpose of sale by retail to any person not entitled to sell the same by retail. R.S.O. 1960, c. 295, s. 39. Sale by wholesalers

45.—(1) Where a person or corporation operating a pharmacy becomes bankrupt, insolvent or makes an assignment for the benefit of creditors, if the trustee in bankruptcy, liquidator or assignee, as the case may be, is authorized to operate the pharmacy, it shall be operated only under the personal supervision and management of a pharmaceutical chemist. Carrying on business of bankrupt person

Carrying on
business of
deceased
person

(2) Upon the death of a pharmaceutical chemist who was operating a pharmacy at the time of his death, the personal representative of such deceased person may operate the pharmacy under the personal supervision and management of a pharmaceutical chemist for a period of four years or for such further period as the Council may authorize.

Notification
of registrar
of authority
to carry on
business

(3) Every person or corporation authorized to operate a pharmacy under subsection 1 or 2 shall immediately upon becoming so authorized file with the registrar evidence of his or its authority. R.S.O. 1960, c. 295, s. 40.

Death of
pharmaceu-
tical
chemist,
shares in
corporate
pharmacy

(4) Upon the death of a pharmaceutical chemist who was a shareholder of a corporation operating a pharmacy at the time of his death, the shares owned by and registered in the name of such deceased person at the time of his death may be registered in the name of and owned by the personal representative of such deceased person for a period of four years or for such further period as the Council may authorize, and for such period subsection 2 of section 39 does not apply to such corporation in respect of such shares.

Idem

(5) Subsection 4 does not apply to a shareholder of any corporation referred to in subsection 3 of section 39.

Idem

(6) Upon the death of a pharmaceutical chemist who was a director of a corporation operating a pharmacy at the time of his death, subsection 1 of section 39 does not apply to such corporation by reason of such death for a period of six months or for such further period as the Council may authorize. 1961-62, c. 103, s. 8.

Container
to be marked
"poison"

46. No person shall sell poison,

- (a) by wholesale, unless the word "poison" is legibly and conspicuously displayed on the outer surface of the container in which the poison is contained; or
- (b) by retail, unless the word "poison", the name of the poison, the name, address and telephone number of the establishment in which the poison is sold and the name of the owner thereof are legibly and conspicuously displayed on the outer surface of the container in which the poison is contained. R.S.O. 1960, c. 295, s. 41; 1966, c. 115, s. 8.

Sale of
poison to
person
unknown to
seller

47. No person shall sell by retail any poison referred to in Part I of Schedule A to any person unknown to him, unless the prospective purchaser is introduced to him by some person known to him and to the prospective purchaser. R.S.O. 1960, c. 295, s. 42.

Poison-book

48.—(1) A record of every sale of a poison referred to in Part I

of Schedule A shall be entered in a poison-book kept by the seller for that purpose.

(2) The record of a sale shall include the following:

1. The date of the sale.
2. The name and address of the purchaser.
3. The name and quantity of the poison sold.
4. The purpose for which it is stated by the purchaser to be required.
5. Where the purchaser is unknown to the seller, the name of the person who introduced the purchaser.

Information
to be
included in
record

(3) When the seller has completed the record he shall cause the purchaser to sign it and shall sign it himself.

Record to
be signed

(4) The seller of any poison referred to in Part I of Schedule A shall not deliver it to the purchaser until a record of the sale has been completed in accordance with this section. R.S.O. 1960, c. 295, s. 43.

No delivery
of poison
until record
completed

49. Sections 46, 47 and 48 do not apply to a poison when it forms part of the ingredients of any drug prescribed by a legally qualified medical practitioner, dentist or veterinary surgeon, if the name and address of the seller are legibly and conspicuously displayed on the outer surface of the container in which the drug is sold. R.S.O. 1960, c. 295, s. 44.

Application
of ss. 46, 47,
48

50. Subject to the regulations, no person or corporation shall sell by retail any drug referred to in Schedule C, except on prescription given in such form, in such manner and under such conditions as the regulations prescribe. R.S.O. 1960, c. 295, s. 45.

Sale of
drugs in
Sched. C on
prescription

51. No person or corporation shall sell by retail,

- (a) any drug referred to in Part I of Schedule D except on a written prescription signed by the prescriber; or
- (b) any drug referred to in Part II of Schedule D except on prescription given in such form, in such manner and under such conditions as the regulations prescribe. R.S.O. 1960, c. 295, s. 46.

Sale of drugs
in Sched. D
on prescrip-
tion

52. Every person who fills a prescription shall sign the prescription and mark it with an identification number or other designation, which shall also be marked on the container in which the drug is supplied, and the name, address and telephone number of the pharmacy in which the prescription is filled, the name of the owner thereof, the date it is filled, the name of the prescriber, the name of the person for whom it is prescribed and the directions for use as prescribed shall be legibly and conspicuously displayed on or in the container in which the drug is supplied. 1966, c. 115, s. 9.

Identi-
fication
markings

Purchaser
entitled to
copy of
prescription

53. Every person who presents a written prescription to a pharmaceutical chemist to be filled, unless otherwise directed by the prescriber, is entitled to have a copy of it furnished to him by the pharmaceutical chemist, but the original prescription shall be retained by the pharmaceutical chemist. R.S.O. 1960, c. 295, s. 48.

Prohibition
to give away
certain drugs

54. No person or corporation shall give away any drug referred to in Schedule D except to a legally qualified medical practitioner, dentist or veterinary surgeon. R.S.O. 1960, c. 295, s. 49.

Record of
drugs to
be kept by
pharmaceu-
tical chemist

55. Every pharmaceutical chemist shall keep a record of every purchase or sale made by him of a drug referred to in Part I of Schedule D and showing the date and quantity of the purchase or sale, the name of the person from whom it was purchased or to whom it was sold and the name of the person upon whose prescription it was sold. R.S.O. 1960, c. 295, s. 50.

Reports to
Minister

56.—(1) The Minister may require any legally qualified medical practitioner, dentist, veterinary surgeon or pharmaceutical chemist to report from time to time to him or to the College the quantity of any drug referred to in Schedule D that he has purchased, sold or prescribed during any period.

Reports by
registrar to
Minister

(2) The Minister may require the registrar to report from time to time to him any information in the possession of the registrar with respect to any drug referred to in Schedule D.

Report by
Minister to
disciplinary
body

(3) Where it appears to the Minister that a legally qualified medical practitioner, dentist, veterinary surgeon or pharmaceutical chemist has sold or prescribed an excessive, unreasonable or improper amount of any drug referred to in Schedule D or has failed to make a complete report under subsection 1, the Minister may report such matter to the disciplinary body of The College of Physicians and Surgeons of Ontario, The Royal College of Dental Surgeons of Ontario, The Ontario Veterinary Association or The Ontario College of Pharmacy, as the case may be.

Power to
discipline

(4) Any such disciplinary body upon receiving a report from the Minister may inquire into the matter and reprimand, or suspend or cancel the licence or certificate to practise of a member of any such college or association whom it finds to have purchased, sold or prescribed an excessive, unreasonable or improper amount of any drug referred to in Schedule D.

Hearing

(5) Before the disciplinary body reprimands or suspends or cancels a licence or certificate, it shall afford the person against whom the complaint has been made an opportunity of appearing before it and of presenting such evidence and making such representations as he desires and all evidence shall be taken down in writing.

(6) The disciplinary body has in respect of a hearing under this section the same powers as may be conferred upon a commissioner under *The Public Inquiries Act*.

Power of
disciplinary
body
R.S.O. 1970,
c. 379
Appeal

(7) Any person who has been reprimanded or whose licence or certificate has been suspended or cancelled may, within fifteen days after receipt of notice in writing of the decision of the disciplinary body, appeal to the Court of Appeal from such decision and the practice and procedure in such appeal shall be the same as upon an appeal from a judgment of a Supreme Court judge presiding at a trial. R.S.O. 1960, c. 295, s. 51.

57. The Lieutenant Governor in Council may make regulations, Regulations

- (a) adding any substance or preparation containing such substance or deleting any substance or preparation containing such substance from the lists of substances and preparations containing such substances in the Schedules to this Act, or striking out any list and substituting another list therefor;
- (b) prescribing units or amounts of vitamins for the purpose of subclause v of clause d of section 1;
- (c) prescribing the percentage of any substance to be contained in any preparation referred to in any Schedule;
- (d) prescribing the types of containers to be used for containing any poison or drug and the designs, specifications and labelling of containers used for containing any poison or drug;
- (e) prescribing the manner in which prescriptions shall be given in respect of the drugs referred to in Schedule C or in Part II of Schedule D and the conditions under which such prescriptions may be given;
- (f) prescribing the manner in which records shall be kept of the purchase and sale of the drugs referred to in Schedule D;
- (g) authorizing the refilling of prescriptions without further prescription and prescribing the conditions under which prescriptions may be refilled without further prescription;
- (h) designating poisons that may be sold by persons not otherwise authorized under this Act and authorizing the sale of such poisons by any persons or classes of persons not otherwise authorized under this Act and prescribing the conditions under which such poisons shall be sold by such persons or classes of persons;
- (i) designating drugs referred to in Schedule C that may be sold to owners of animals or birds for the treatment of

such animals or birds by persons not otherwise authorized under this Act and authorizing the sale without prescription of such drugs to owners of animals or birds for the treatment of such animals or birds by any persons or classes of persons not otherwise authorized under this Act and prescribing the conditions under which such drugs shall be sold by such persons or classes of persons;

- (j) prescribing forms and providing for their use. R.S.O. 1960, c. 295, s. 52; 1966, c. 115, s. 11; 1968, c. 95, s. 2.

PART III

OFFENCES

Proceedings
against
owner or
manager

58. Where any person or corporation operates a pharmacy contrary to this Act or the regulations, the owner and manager of such pharmacy or either of them may be proceeded against, and prosecution or conviction of either of them is not a bar to prosecution or conviction of the other. R.S.O. 1960, c. 295, s. 53.

Liability of
owner or
manager for
offences of
employees

59. Every owner or manager of a pharmacy is liable for every offence against this Act committed by any person in his employ or under his supervision with his permission, consent or approval, express or implied. R.S.O. 1960, c. 295, s. 54.

Onus of
proof of
registration

60. In any prosecution under this Act the onus is on the person charged to prove that he or any other person is registered and holds a certificate under this Act. R.S.O. 1960, c. 295, s. 55.

Recovery of
charges

61. A person who sells any drug or poison in contravention of this Act or the regulations is not entitled to recover any charges in respect thereof. R.S.O. 1960, c. 295, s. 56.

Action for
malpractice

62. No action shall be brought against a pharmaceutical chemist for negligence or malpractice in the rendering of professional services unless the action is commenced within six months from the date the professional services were rendered. R.S.O. 1960, c. 295, s. 57.

Misrepresentation

63. No person shall knowingly sell any poison or drug under the representation or pretence that it is a particular poison or drug that it is not, or contains any substance that it does not. R.S.O. 1960, c. 295, s. 58.

Offences re
drugs in
Sched. D

64.—(1) Every person who, contrary to this Act or the regulations,

- (a) sells, offers for sale or keeps for sale, by retail; or

- (b) dispenses or compounds; or
- (c) fails to keep records as required by this Act or the regulations in respect of the sale of,

any drug referred to in Schedule D is guilty of an offence and on summary conviction is liable for a first offence to a fine of not less than \$50 and not more than \$500 and for each subsequent offence to a fine of not less than \$100 and not more than \$500.

- (2) Every person who, contrary to this Act or the regulations,
- (a) sells, offers for sale or keeps for sale, by retail; or
 - (b) dispenses or compounds; or
 - (c) fails to keep records as required by this Act or the regulations in respect of the sale of,

Offences
re drugs
other than
drugs in
Sched. D

any drug, other than a drug referred to in Schedule D, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not less than \$50 and not more than \$500 and for each subsequent offence to a fine of not less than \$100 and not more than \$1,000. R.S.O. 1960, c. 295, s. 59.

65. Except as otherwise provided in section 64, every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$250. R.S.O. 1960, c. 295, s. 60.

Offence,
general

66. All fines recovered for offences against this Act or the regulations shall be paid to the registrar for the use of the College. R.S.O. 1960, c. 295, s. 61.

Disposition
of fines

SCHEDULE A

PART I

ACONITE or alkaloids or preparations thereof, except external preparations containing less than 0.2% aconitine

ALKALOIDS or GLYCOSIDES: all poisonous vegetable alkaloids and/or glycosides not specifically mentioned elsewhere in these Schedules or their salts or all poisonous derivatives thereof

AMYL NITRITE

ARSENIC or preparations or compounds thereof, except as provided in Part II of this Schedule

ATROPINE or its salts and internal preparations containing more than 0.13 mg. per stated

dose or other preparations containing more than 0.1% by weight

BELLADONNA or preparations or compounds thereof, except plasters and except as provided in Part II of this Schedule

CANTHARIDES or its derivatives or preparations

CARBON DISULFIDE

CHLOROFORM, except when in internal preparations as a therapeutic ingredient or preservative

CONIUM or preparations thereof

COTTONROOT, the oil, derivatives or preparations

CROTON OIL

CYANIDES, other than complex salts thereof
DIGITALIS, its glycosides, or preparations of either

ETHER, except Commercial

ETHYL CHLORIDE

GLYCOSIDES or ALKALOIDS: all poisonous vegetable alkaloids and/or glycosides not specifically mentioned elsewhere in these Schedules or their salts or all poisonous derivatives thereof

HENNA BERRIES**HYDROCYANIC (Prussic) Acid**

HYOSCYAMIS or preparations or compounds thereof, except as provided in Part II of this Schedule

HYOSCINE (Scopolamine) or its salts and internal preparations containing more than 0.325 mg. per stated dose or inhalant preparations containing more than 0.05% by weight

LOBELIA or alkaloids or preparations thereof, except internal preparations containing not more than the equivalent of 2 mg. per stated dose of lobeline and external preparations containing not more than the equivalent of 6 grains per stated dose of crude lobelia

MERCURIAL SALTS, except Calomel

MERCURY AMMONIATED

MERCURY, oxides thereof

NITROGLYCERIN, except in tablet form

NUX VOMICA or preparations thereof

OIL OF BITTER ALMONDS, unless deprived of Hydrocyanic (Prussic) Acid

OIL OF WINTERGREEN or METHYL SALICYLATE, except when in internal preparation solely as a flavouring agent or in aerosol preparations as a fragrance

PENNYROYAL, the oil, derivatives or preparations

PHENOL (Carbolic Acid), except in preparations of 5% or less

POTASSIUM ANTIMONYLTARTRATE (Tartar Emetic), except when in internal preparations as a therapeutic ingredient containing not more than 3.3 mg. per stated dose

POTASSIUM CHLORATE

POTASSIUM PERMANGANATE or preparations thereof

RUE, the oil, derivatives or preparations

SANTONIN, except when in internal preparations as a therapeutic ingredient containing not more than 65 mg. per stated dose

SAVIN, the oil, derivatives or preparations

SELENIUM or any salt thereof or preparations containing selenium or any salt thereof

SODIUM CHLORATE

SODIUM FLUORIDE (when greater than 5%)

STRAMONIUM or preparations thereof, except when in internal preparations as a therapeutic ingredient containing not more than 0.16 mg. per stated dose

STROPHANTHUS or preparations thereof

STRYCHNINE or its salts in preparations containing the equivalent of 2% or more of strychnine alkaloids

TANSY, the oil, derivatives or preparations

YOHIMBE or its alkaloids or preparations

PART II

ACETANILIDE (except when not more than 65 mg. per stated dose)

ACID ACETIC (33% or stronger)

ACID CHROMIC or its salts

ACID HYDROCHLORIC

ACID NITRIC

ACID OXALIC

ACID PHOSPHORIC

ACID PICRIC (Trinitrophenol)

ACID SULPHURIC

ANTIMONY or preparations

ARSENIC when combined with other medicinal ingredients in recognized therapeutic dosage forms and when in doses not exceeding those generally recognized as safe medication

ATROPINE or its salts and internal preparations containing not more than 0.13 mg. per stated dose or other preparations containing not more than 0.1% by weight

BARIUM SALTS, water soluble, including chloride and sulphide

BELLADONNA when combined with other medicinal ingredients in recognized therapeutic dosage forms and when in doses not exceeding those generally recognized as safe medication

BROMIDES, salts, compounds or derivatives

CEDAR OIL from leaf or wood

CHENOPODIUM or preparations

COLCHICUM or COLCHICINE

COPPER SALTS or compounds, except in trace amounts

CREOSOTE or preparations thereof

CRESOL (Cresylic Acid) or its preparations, the homologues of Cresol or their preparations when stronger than 5% Cresol

DIGITALIS or derivatives

EPHEDRINE, or its salts, except when in inhalant form or in internal preparations containing not more than 11 mg. per stated dose

GUAIACOL, except when in internal preparations as a therapeutic ingredient

HYOSCINE or its salts and internal preparations containing not more than 0.325 mg. per stated dose

IODIDES, salts or compounds, except in trace amounts

IODINE or preparations thereof

IODOFORM

LEAD SALTS or preparations

MERCUROUS CHLORIDE (Calomel)

MERCURY

MERCURY WITH CHALK

NITROBENZENE (when labelled as such or as NITROBENZOL or as OIL OF MIRBANE, and when the label bears the name of the pharmacy in which the sale is made and the following wording: "POISON—This chemical is POISONOUS when taken internally, inhaled or in contact with the skin. HANDLE WITH CARE and avoid skin contact and inhalation of vapours.")

NITROGLYCERIN in tablet form

PHENOL in preparations under 5%

PHOSPHORUS in free state

PICROTOXIN

POTASSIUM BICHROMATE

POTASSIUM HYDROXIDE

POTASSIUM NITRITE

RUBBING ALCOHOL COMPOUND

SABADILLA SEEDS

SILVER SALTS or preparations

SODIUM HYDROXIDE

SODIUM NITRITE

STAVESACRE

STRYCHNINE when combined with other medicinal ingredients in recognized therapeutic dosage forms and in doses not exceeding those generally recognized as safe medication

ZINC SALTS, except in trace amounts

O. Reg. 254/68, s. 1.

SCHEDULE B

PART I

ALUM

AROMATIC CASCARA

ARROWROOT

BICARBONATE OF SODA

BORAX

CARBONATE OF SODA

CASTOR OIL

COD LIVER OIL

EPSOM SALTS

GLYCERIN

LINSEED

MINERAL OR PARAFFIN OIL

OLIVE OIL

PETROLEUM JELLY

SACCHARINE TABLETS

SODIUM CHLORIDE

TURPENTINE

PART II

AMMONIUM CHLORIDE

BEEF, IRON & WINE

CARBONATE OF MAGNESIA

COCHINEAL

CREAM OF TARTAR (Potassium acid tartrate)

Disodium-dibrom-oxymercuri-fluorescin, whether described as "Mercurochrome" or any other trade name, mark or designation (not more than 2%)

ESSENCE OF PEPPERMINT

GLAUBER SALT (SODIUM SULPHATE)

HYDROGEN PEROXIDE (not more than 3%)

MAGNESIUM CARBONATE

MAGNESIUM CITRATE

MAGNESIUM HYDROXIDE

OIL OF EUCALYPTUS

PHOSPHATE OF SODA

POTASSIUM NITRATE (Salt Petre)

RHUBARB ROOT

ROCHELLE SALTS

SEIDLITZ POWDERS

SENNA

SPIRIT OF AROMATIC AMMONIA

SPIRIT OF NITROUS ETHER

SULPHUR

PART III

ACETYSALICYLIC ACID (whether described as aspirin, acetophen, or any other trade name, mark or designation)

ACID MURIATIC, Commercial

ACID SULPHURIC, Commercial

BORACIC ACID

CALAMINE LOTION

CAMPHOR GUM

CAMPHORATED CHALK

CAMPHORATED OIL

CHLORIDE OF LIME

CHLORINATED LIME

COPPER SULPHATE (Bluestone) when sold as Bluestone

CRESOL (Cresylic Acid) or its preparations, and the homologues of Cresol or their preparations when weaker than 5% Cresol Ferrous Sulphate (Copperas) when sold as Copperas IODINE, tincture or solution (not more than 2½%)

NITROBENZOL when in (commercial) preparations

SOLUTION OF AMMONIA

SPIRIT OF CAMPHOR

PART IV

ACETONE

BENZOL and chlorinated derivatives

CARBON TETRACHLORIDE

ETHER, Commercial

FORMALDEHYDE

TETRACHLORETHYLENE

TRICHOLORETHYLENE

1968, c. 95, s. 3.

SCHEDULE C

ACEPROMAZINE or its salts

ACONIAZID or its salts

ACTINOMYCIN D or its salts or derivatives

ADRENOCORTICAL HORMONES or their salts or derivatives

ALLOPURINOL

AMINOCAPROIC ACID

AMINOGLUTETHIMIDE

4-AMINO-N-METHYLPTEROYL GLUTAMIC ACID or its salts

AMANTADINE and its salts

AMINOPTERIN or its salts

4-AMINO-PTEROYL ASPARTIC ACID or its salts

AMINOPYRINE or any salt, homologue or derivative thereof

AMITRIPTYLINE or its salts

AMPHOTERICIN B or its salts or derivatives

APIOL

AZACYCLONOL or its salts

BEMEGRIDE

BENACTYZINE or its salts

BENZOYL PEROXIDE

BETHAISTINE and its salts

BETHANIDINE or its salts

BISHYDROXYCOUMARIN or its salts or derivatives

BRETYLIUM TOSYLATE

BROMAL or the following derivatives: bromal hydrate, brometone, bromoform

BUSULFAN

CALCIUM CARBIMIDE

CANDICIDIN or its salts or derivatives

CAPTODIAMINE

CARBIMAZOLE

CARBOMYCIN or its salts or derivatives

CARBROMAL or the following derivatives: acetylcarbromal, allylisopropylacetylurea, bromisoval, diethylbromacetamide

CARISOPRODOL

CARPHENAZINE

CEPHALORIDINE

CHLORAL or the following derivatives: chloral hydrate (except in preparations for external use containing not more than 1%), alpha-chloralose, butyl chloral hydrate, chloral formamide, chloralimide

CHLORAMBUCIL or its salts or derivatives

CHLORAMPHENICOL or its salts or derivatives

CHLORCYCLIZINE (except in preparations for external use only)

CHLORDIAZEPOXIDE or its salts

CHLORISONDAMINE or its salts

CHLORMEZANONE

CHLOROQUINE or its salts

CHLOROTHIAZIDE or its salts or derivatives

CHLORPHENTERMINE or its salts

CHLORPROMAZINE or its salts

CHLORPROTHIXENE or its salts

CINCHOPHEN or its salts	INDOMETHACIN
CLOFIBRATE	IPRONIAZID or its salts
CLOMIPHENE or its salts	ISOCARBOXAZID or its salts
CYCLIZINE	ISONIAZID
CYCLOPHOSPHAMIDE	ISOPROPAMIDE or its salts and preparations containing more than 2.5 mg. per stated dose
CYCLOSERINE or its salts or derivatives	KANAMYCIN or its salts or derivatives
DEANOL	LEVOMEPROMAZINE or its salts
DESERPIDINE or its salts	LINCOMYCIN or its salts or derivatives
DESIPRAMINE or its salts	LIOTHYRONINE
DIAMINODIPHENYLSULFONE or its analogues or derivatives	MAGNESIUM GLUTAMATE HYDROBROMIDE
DIAZEPAM or its salts	MECAMYLAMINE or its salts
DIETHYLPROPION or its salts	MECHLORETHAMINE or its salts
DIHYDROSTREPTOMYCIN or its salts or derivatives	MECLIZINE or its salts
DIMETHYL SULPHOXIDE	MEFENAMIC ACID
2, 4-DINITROPHENOL or any salt, homologue or derivative thereof	MELPHALAN
DIPHENIDOL	MEPAZINE or its salts
DISULFIRAM	MEPHENOXALONE
ECTYLUREA or its salts	MEPHENTERMINE or its salts
EMYLAMATE	MEPROBAMATE
ERGOT ALKALOIDS or their salts	6-MERCAPTOPURINE
ERYTHROMYCIN or its salts or derivatives	MESCALINE or its salts
ETHACRYNIC ACID and its salts	METALDEHYDE
ETHCHLORVYNOL	METAXALONE
ETHINAMATE	METHAQUALONE or its salts
ETHIONAMIDE or its salts	METHIMAZOLE
ETHOMOXANE or its salts	METHISAZONE
ETHYL TRICHLORAMATE	METHOXSALIN
ETRYPTAMINE or its salts	METHYLDOPA or its salts
ETYMEMAZINE	METHYLPARAFYNOL
FLUORIDES for oral or topical use except in dentrifices and except in preparations containing less than 0.045 mg. of fluorine (equivalent to 0.1 mg. sodium fluoride) per daily recommended dose	METHYLPHENIDATE or its salts
FLUOROURACIL or its derivatives	METHYLPRYLON
FLUPHENAZINE or its salts	METHYSERGIDE or its salts or derivatives
GENTAMYCIN	METYPAPONE or its salts
GLUTETHIMIDE	NALIDIXIC ACID
GONADOTROPHIN (HUMAN POST-MENOPAUSAL URINARY)	NARCOTINE (Noscapine) and preparations containing more than 30 mg. per stated dose
GRISEOFULVIN or its salts or derivatives	NEOCINCHOPHEN or its salts
GUANETHIDINE or its salts	NIALAMIDE or its salts
HEXACYCLONATE SODIUM	NORTRIPTYLINE or its salts
HEXAMETHONIUM or its salts	NOVOBIOCIN or its salts or derivatives
HYDANTOIN DERIVATIVES or their salts (except in preparations for external use only)	OLEANDOMYCIN or its salts or derivatives
HYDRALAZINE or its salts	OXANAMIDE
HYDROXYCHLOROQUINE or its salts	OXAZEPAM or its salts
4-HYDROXYCOUMARIN or its derivatives (when sold and recommended as an anticoagulant)	OXYPHENBUTAZONE or its salts
HYDROXYZINE or its salts	PAPAVERINE
IDOXURIDINE	PARALDEHYDE
IMIPRAMINE or its salts	PARAMETHADIONE
	PARGYLINE or its salts
	PAROMOMYCIN
	PEMOLINE or its salts
	PENICILLIN or its salts or derivatives
	PENTAZOCINE
	PENTOLINIUM TARTRATE
	PERPHENAZINE or its salts

PHACETOPERANE or its salts	STREPTOMYCIN or its salts or derivatives
PHENACEMIDE	SUCCINIMIDE or its salts or derivatives (except those compounds used for decontaminating water)
PHENAGLYCODOL	SULFINPYRAZONE or its salts
PHENDIMETRAZINE or its salts	SULPHONAL or ALKYL SULPHONALS
PHENELZINE or its salts	SULPHONAMIDES or their salts or derivatives
PHENFORMIN or its salts	TETRACYCLINE or its salts or derivatives
PHENIPRAZINE or its salts	THIOPROPAZATE or its salts
PHENMETRAZINE or its salts	THIOPROPERAZINE or its salts
PHTERMININE or its salts	THIURIDAZINE or its salts
PHENTHOXATE or its salts	THIOTEPA
PHENYL BUTAZONE or its salts	THIOURACIL or its derivatives
PHENYLINDANEDIONE or its derivatives	THYROID
PIPAMAZINE	THYROXIN or its salts
PIPERLIATE or its salts	TOLBUTAMIDE or its salts or derivatives
PIPRADROL or its salts	TRANLYCYPROMINE
POLYMYXIN B (except for topical use or for local action in the oral cavity or nasal passages) or its salts or derivatives	TRETAMINE
PRALDOXIME or its salts	TRIAMTERENE or its salts
PRIMIDONE	TRIFLUOPERAZINE or its salts
PROCHLORPERAZINE or its salts	TRIFLUPROMAZINE or its salts
PRODILIDINE or its salts	TRIDOTHYROPROPIONIC ACID
PROMAZINE or its salts	TRIMEPAZINE or its salts
PROPXYPHENE (Dextropropoxyphene)	TRIMETHADIONE
PROPRANOLOL and its salts	TRIMIPRAMINE or its salts
PROTHIPENDYL HYDROCHLORIDE	TYBAMATE
PYRAZINAMIDE	VERATRUM ALBUM or its alkaloids or salts of alkaloids
RAUBASINE or its salts	VERATRUM VIRIDE or its alkaloids or salts of alkaloids
RAUWOLFIA or its alkaloids or their salts	VINBLASTINE or its salts
RESCINNAMINE or its salts	VINCISTINE or its salts
RESERPINE or its salts	VIOMYCIN or its salts or derivatives
RISTOCETIN	VITAMIN B12 with INTRINSIC FACTOR CONCENTRATE
SEX HORMONES (except cosmetic preparations containing sex hormones which are demonstrated to be free from systemic effects)	O. Reg. 254/68, s. 2; O. Reg. 238/70, s. 1.
SPIRAMYCIN or its salts or derivatives	
STRAMONIUM	

SCHEDULE D

PART I

nil

PART II

AMPHETAMINE and its salts	METHAMPHETAMINE and its salts
BARBITURIC ACID and its salts and derivatives	O. Reg. 254/68, s. 3.
BENZPHETAMINE and its salts	

CHAPTER 349

The Planning Act**1. In this Act,**Interpre-
tation

- (a) “council” means the council of a municipality or the board of trustees of an improvement district;
- (b) “designated municipality” means the municipality named by the Minister under subsection 6 of section 2 in the case of a joint planning area or the municipality in the case of a planning area consisting of one municipality or of one municipality and territory without municipal organization;
- (c) “joint planning area” means a planning area consisting of more than one municipality or part or parts thereof;
- (d) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof;
- (e) “Minister” means the Minister of Municipal Affairs;
- (f) “Municipal Board” means the Ontario Municipal Board;
- (g) “municipality” means a city, town, village, township or improvement district;
- (h) “official plan” means a program and policy, or any part thereof, covering a planning area or any part thereof, designed to secure the health, safety, convenience or welfare of the inhabitants of the area, and consisting of the texts and maps, describing such program and policy, approved by the Minister from time to time as provided in this Act;
- (i) “planning area” means a planning area defined by the Minister under this Act, and includes a joint planning area and a subsidiary planning area;
- (j) “public work” means any improvement of a structural nature or other undertaking that is within the jurisdiction of a council or of a local board. R.S.O. 1960, c. 296, s. 1.

PART I

OFFICIAL PLANS

Establish-
ment of
planning
areas

2.—(1) The Minister, upon the application of the council of a municipality or the councils of two or more municipalities, or upon his own initiative where in his opinion it is in the interest of any area, may define and name a planning area.

Constitution
of area

(2) The planning area shall consist of part or all of one municipality or of such municipalities or parts of municipalities as in the opinion of the Minister constitute a complete planning unit having regard to the purposes for which the planning area is defined, and the Minister may include in the planning area any territory without municipal organization that adjoins a municipality or part of a municipality included in the planning area.

Planning
area in
unorganized
territory

(3) The Minister may define and name a planning area consisting of territory without municipal organization and may appoint a planning board for the planning area.

Subsidiary
planning
areas

(4) The Minister, upon the application of the council of a municipality or the councils of two or more municipalities, or upon his own initiative where in his opinion it is in the interest of any area, may define and name a subsidiary planning area consisting in whole or in part of land that is within one or more planning areas and may define the scope and general purpose of the official plan of the subsidiary planning area and the functions of the planning board thereof.

Planning area
included in
joint planning
area to be
subsidiary
planning area

(5) When a planning area, other than a joint planning area, or any part thereof is included in a joint planning area, the planning area or part thereof so included is thereby a subsidiary planning area.

Designated
municipality

(6) In the case of a joint planning area, the Minister shall name the municipality that shall be the designated municipality for the purposes of this Part, and may define the scope and general purpose of the official plan of the planning area and the functions of the planning board thereof.

Matters
to be
regarded

(7) In defining the scope and general purpose of an official plan, the Minister shall have regard among other matters to the requirements of the planning area for drainage, land uses, communications and public services.

Dissolution
or alteration
of planning
area

(8) The Minister may dissolve or alter the boundaries of a planning area, but where an official plan is in effect in the planning area it remains in effect, notwithstanding the dissolution or alteration, until altered in accordance with this Part. R.S.O. 1960, c. 296, s. 2.

Appoint-
ment of
planning
board

3.—(1) The council of the designated municipality shall appoint the planning board of a planning area, and every appoint-

ment to the planning board of a joint planning area is subject to the approval of the Minister.

(2) Where a planning area consists of part or all of one municipality and territory without municipal organization, every appointment to the planning board of the planning area is subject to the approval of the Minister. R.S.O. 1960, c. 296, s. 3. Where unorganized territory

4.—(1) A planning board is a body corporate by the name of “..... Board” Composition of planning boards
(inserting the name designated by the Minister) and shall consist of,

- (a) where the planning area consists of part or all of one municipality or of part or all of one municipality and territory without municipal organization, the head of the council of the municipality as a member *ex officio*; or
- (b) in the case of a joint planning area, the head of the council of the designated municipality as a member *ex officio*,

and four, six or eight members who are not employees of a municipality or of a local board.

(2) In subsection 1, “employees” does not include teachers employed by a board of education or school board. Interpretation

(3) The members of a planning board who are members of a municipal council shall not constitute a majority of the members of the planning board. R.S.O. 1960, c. 296, s. 4 (1-3). Idem

(4) The members of the planning board who are not members of a municipal council shall hold office for three years, provided that on the first appointment the council of the designated municipality, from among such members shall designate members who shall hold office, Term of office

- (a) until the 1st day of January of the year following the date of appointment;
- (b) until the 1st day of January of the second year following the date of appointment; and
- (c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of such members shall retire each year; and the members of the planning board who are members of a council shall be appointed annually. R.S.O. 1960, c. 296, s. 4 (5).

(5) When a member of a planning board becomes a member of a municipal council, he ceases to be a member of the planning board, but is eligible to be appointed annually subject to subsection 3. 1966, c. 116, s. 1. When member elected to council

Re-
appointment

(6) The members of the planning board shall hold office until their successors are appointed and such appointments are approved, where approval thereof is required, and are eligible for reappointment.

Vacancies

(7) Where a member ceases to be a member of the planning board before the expiration of his term, the council of the designated municipality shall appoint another eligible person for the unexpired portion of the term.

Quorum

(8) A majority of the members of a planning board constitutes a quorum.

Officers

(9) The planning board shall elect a chairman and a vice-chairman who shall preside in the absence of the chairman.

Secretary-
treasurer,
employees,
consultants

(10) The planning board shall appoint a secretary-treasurer, who may be a member of the planning board, and may engage such employees and consultants as is considered expedient. R.S.O. 1960, c. 296, s. 4 (6-10).

Special
provisions

5. Notwithstanding this or any other Act, the Minister may, in order to suit the special needs of any planning area, vary the constitution of the planning board, the procedures by which it is appointed, the term of office of its members, and the manner in which it is to function, and designate the functions of the planning board within the scope of section 12, and may make special provisions relating to the recommendation, adoption and approval of the official plan of the planning area. R.S.O. 1960, c. 296, s. 5; 1968-69, c. 95, s. 2.

Execution
of docu-
ments

6. The execution of documents by the planning board shall be evidenced by the signatures of the chairman or the vice-chairman and of the secretary-treasurer, and the corporate seal of the planning board. R.S.O. 1960, c. 296, s. 6.

Disclosure
of assess-
ment
information
to planning
boards
R.S.O. 1970,
c. 32

7.—(1) Notwithstanding section 78 of *The Assessment Act*, it is not an offence to disclose the information referred to therein to a member or employee of a planning board who declares that such information is required in the course of his duties.

Disclosure
of assess-
ment
information
by planning
board
employees,
etc.

(2) A member or employee of a planning board who wilfully discloses or permits to be disclosed the information referred to in subsection 1 to any other person not likewise entitled in the course of his duties to acquire or have access to the information is guilty of an offence and on summary conviction is liable to a fine of not more than \$200, or to imprisonment for a term of not more than six months, or to both.

Idem

(3) This section does not prevent disclosure of such information by any person when being examined as a witness in an action or other proceeding in a court or in an arbitration. 1968, c. 96, s. 1.

8.—(1) Where a planning area consists of part or all of one municipality or of part or all of one municipality and territory without municipal organization, the planning board shall submit annually to the council of the municipality an estimate of its financial requirements for the year and the council may amend such estimate and shall pay to the secretary-treasurer of the planning board out of the moneys appropriated for the planning board such amounts as may be requisitioned from time to time.

Finances

(2) In the case of a joint planning area, the planning board shall submit its estimates to the council of each municipality included in the planning area, and shall submit with the estimates a statement as to the proportion thereof to be chargeable to each of the municipalities.

Estimates

(3) If the estimates are approved, or are amended and approved, by the councils of municipalities in the planning area representing more than one-half of the population of the planning area, the estimates are binding on all the municipalities in the planning area.

Approval

(4) After the estimates have been approved as provided in subsection 3, the planning board shall so notify each municipality in the planning area, and shall notify each municipality of the total approved estimates and the amount thereof chargeable to it, based on the apportionment set out in the statement submitted under subsection 2.

Notice

(5) If the council of any municipality is not satisfied with the apportionment, it may, within fifteen days after receiving the notice under subsection 4, notify the planning board and the secretary of the Municipal Board that it desires the apportionment to be made by the Municipal Board.

Where apportionment unsatisfactory

(6) The Municipal Board shall hold a hearing and determine the apportionment and its decision is final.

Power of Municipal Board

(7) Each municipality shall pay to the secretary-treasurer of the planning board such amounts as may be requisitioned from time to time up to the amount determined by the planning board under subsection 4 or by the Municipal Board under subsection 6, as the case may be.

Payments

(8) Where all of the municipalities that form a county for municipal purposes or a majority of the municipalities in a county that form part of the county for municipal purposes are included in one planning area, the Minister may authorize the council of the county to act on behalf of such municipalities for the purposes of this section.

County acting on behalf of municipalities

(9) Where a county is chargeable under subsection 8, it shall recover its payments as part of the county rates from the

Recovery by county

R.S.O. 1970, c. 32 municipalities on behalf of which it acts in the manner provided in section 72 of *The Assessment Act*. R.S.O. 1960, c. 296, s. 7.

Remuneration for members of planning boards

9. A planning board may provide for the payment of salaries, expenses or allowances for the members thereof and shall include its financial requirement therefor in its estimates under section 8. 1961-62, c. 104, s. 2.

Grants, municipal

10.—(1) Any municipality within or partly within a planning area may make grants of money to the planning board.

county

(2) The county in which a planning area or part thereof is situate may make grants of money to the planning board. R.S.O. 1960, c. 296, s. 8.

Audit of planning board's accounts
R.S.O. 1970, c. 284

11. Notwithstanding subsection 2 of section 227 of *The Municipal Act*, in the case of a joint planning area the accounts and transactions of the planning board shall be audited by an auditor of the designated municipality. R.S.O. 1960, c. 296, s. 9.

Duties of planning boards

12.—(1) Every planning board shall investigate and survey the physical, social and economic conditions in relation to the development of the planning area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the planning area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the planning area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the planning area;
- (c) consult with any local board having jurisdiction within the planning area;
- (d) prepare a plan for the planning area suitable for adoption as the official plan thereof and forward it to the councils of the municipalities affected thereby, and recommend such plan to the council of the designated municipality for adoption;
- (e) recommend from time to time to the councils of the municipalities in the planning area the implementation of any of the features of the official plan of the planning area; and
- (f) review the official plan from time to time and recom-

mend amendments thereto to the council of the designated municipality for adoption.

(2) No plan shall be recommended for adoption unless it is approved by a vote of the majority of all the members of the planning board. R.S.O. 1960, c. 296, s. 10.

Recommendation of plan

13.—(1) The plan as finally prepared and recommended by the planning board shall be submitted to the council of the designated municipality.

Plan to be submitted to council

(2) The council of the designated municipality may adopt the plan by by-law.

Adoption of plan

(3) In the case of a joint planning area, the council of any other municipality within or partly within the planning area may adopt the plan by by-law,

Adoption by other municipality

(a) after the expiration of ninety days from the day that the plan was recommended to the council of the designated municipality by the planning board, if the council of the designated municipality has not in the meantime adopted the plan; or

(b) within such period of ninety days if the council of the designated municipality by resolution consents thereto. R.S.O. 1960, c. 296, s. 11.

14.—(1) Upon adoption, the plan shall be submitted by the council that adopted it to the Minister who may refer the plan to any department of the public service of Ontario that may be concerned therewith and to The Hydro-Electric Power Commission of Ontario, and, in the case of a joint planning area, the Minister shall refer the plan to the council of every municipality in the planning area that the Minister considers is affected by the plan, and if modifications appear desirable, the Minister shall settle such modifications as far as possible to the satisfaction of all concerned and cause the plan to be amended accordingly.

Plan to be submitted to Minister

(2) The Minister may then approve the plan, whereupon it is the official plan of the planning area. R.S.O. 1960, c. 296, s. 12.

Approval by Minister

15.—(1) The Minister may refer any part of the plan to the Municipal Board and, where any person requests the Minister to refer any part of the plan to the Municipal Board, the Minister shall refer such part to the Municipal Board, unless, in his opinion, such request is not made in good faith or is frivolous or is made only for the purpose of delay, and, when the Minister has referred any part of the plan to the Municipal Board, the approval of the Municipal Board has the same force and effect as if it were the approval of the Minister. 1967, c. 75, s. 1.

Reference of part of plan to O.M.B.

What to
form
official
plan

(2) When a part of the plan has been referred to the Municipal Board, the Minister may approve the remainder of the plan, whereupon the remainder, together with such part of the plan as may be approved by the Municipal Board, is the official plan of the planning area. 1965, c. 98, s. 1, *part*.

Lodging of
official plan

16.—(1) At least two, or as many as may be required, certified copies of the official plan shall be lodged by the clerk of the designated municipality in the office of the Minister and one certified copy in the office of the clerk of each municipality specified by the Minister within the planning area, and the copies shall be available at such places for public inspection during office hours. R.S.O. 1960, c. 296, s. 13 (1); 1962-63, c. 105, s. 2 (1).

Idem

(2) A duplicate original of the official plan shall be lodged by the clerk of the designated municipality in every registry office of lands within the planning area, where it shall be made available to the public as a production. R.S.O. 1960, c. 296, s. 13 (2); 1962-63, c. 105, s. 2 (2).

Amendments
and repeal

17.—(1) The provisions of this Act with respect to an official plan apply *mutatis mutandis* to amendments thereto, or the repeal thereof, provided that the Minister may, subject to subsection 2, approve any amendment or repeal that may be proposed by the council of any municipality. R.S.O. 1960, c. 296, s. 14 (1); 1961-62, c. 104, s. 3 (1).

Conditions
for
Minister's
approval

(2) Before approving an amendment or repeal initiated by a council, the Minister may require that a report of the planning board be obtained in respect of the proposal and, if the planning board does not concur in the proposal the Minister shall not approve the amendment or repeal unless it has been adopted by a vote of two-thirds of all the members of the council. R.S.O. 1960, c. 296, s. 14 (2); 1961-62, c. 104, s. 3 (2).

Application
for
amendment

(3) Where any person requests the council to initiate an amendment to the official plan and the council,

(a) refuses to propose the amendment; or

(b) fails to propose the amendment within thirty days from the receipt of the request,

such person may request the Minister to refer the proposal to the Municipal Board.

Reference to
Municipal
Board

(4) Upon receipt of the request, the Minister may require a report on the proposal from the planning board and may refer the proposal to any public authority that may be concerned therewith and he may refuse the request or refer the proposal to the Municipal Board.

Disposal of
reference

(5) When a proposal is referred to the Municipal Board under subsection 4, the Municipal Board may reject the proposal or

direct that the council cause the amendment to be made in the manner provided in the order. R.S.O. 1960, c. 296, s. 14 (3-5).

18. For the purposes of sections 12, 13, 14, 16 and 17, when a planning area is defined and named under subsection 3 of section 2, the Minister shall be deemed to have all the powers and duties of a council and of any officer of a council. 1967, c. 75, s. 2.

Powers of Minister re planning area in unorganized territory

19.—(1) Notwithstanding any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections 2 and 3, no by-law shall be passed for any purpose that does not conform therewith.

Public works and by-laws to conform with plan

(2) Where a council has adopted an amendment to an official plan, it may, before the Minister has approved the amendment, pass a by-law that does not conform with the official plan but will conform therewith if the amendment is approved, and such by-law shall be deemed to be valid and to have come into force on the day it was passed if the Minister approves the amendment to the official plan and if the Municipal Board subsequently approves the by-law, where such approval of the by-law is required.

Validity of by-laws conforming to amendments to official plans

(3) The Municipal Board, upon the application of the council of a municipality for which an official plan is in effect, may by its order declare that a by-law of such municipality shall be deemed to conform with the official plan, if the Municipal Board is of opinion that the by-law conforms with the general intent and purpose of the official plan.

Municipal Board may approve by-law

(4) The procedure upon an application to the Municipal Board under subsection 3 shall be the same as nearly as may be as in the case of an application to the Municipal Board under section 35. R.S.O. 1960, c. 296, s. 15.

Procedure

20. A by-law that conforms with an official plan shall be deemed to implement the official plan whether the by-law is passed before or after the official plan is approved. R.S.O. 1960, c. 296, s. 16.

By-laws implementing plans

21.—(1) For the purpose of developing any feature of the official plan, a municipality, with the approval of the Minister, may at any time and from time to time,

Acquisition of lands for official plan purposes

- (a) acquire land within the municipality;
- (b) hold land heretofore or hereafter acquired within the municipality; or
- (c) sell, lease or otherwise dispose of land so acquired or held when no longer required.

(2) For the purpose of developing any feature of the official plan, the designated municipality in the case of a joint planning

Powers of designated municipality

area, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land within the planning area. R.S.O. 1960, c. 296, s. 19 (1, 2).

Contributions to cost

(3) Any county or municipality may contribute towards the cost of acquiring land under this section. R.S.O. 1960, c. 296, s. 19 (4).

Interpretation

22.—(1) In this section,

- (a) “redevelopment” means the planning or replanning, design or redesign, resubdivision, clearance, development, reconstruction and rehabilitation, or any of them, of a redevelopment area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary;
- (b) “redevelopment area” means an area within a municipality, the redevelopment of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other reason;
- (c) “redevelopment plan” means a general scheme, including supporting maps and texts, approved by the Municipal Board for the redevelopment of a redevelopment area. R.S.O. 1960, c. 296, s. 20 (1).

Designation of redevelopment area

(2) The council of a municipality that has an official plan in respect of land use may, with the approval of the Minister, by by-law designate the whole or any part of an area covered by such an official plan as a redevelopment area, and the redevelopment area shall not be altered or dissolved without the approval of the Minister. 1962-63. c. 105, s. 4.

Acquisition and clearance of land

(3) When a by-law has been passed and approved under subsection 2, the municipality, with the approval of the Minister, may,

- (a) acquire land within the redevelopment area;
- (b) hold land acquired before or after the passing of the by-law within the redevelopment area; and
- (c) clear, grade or otherwise prepare the land for redevelopment.

Withdrawal of Minister's approvals

(4) If, at any time before a redevelopment plan for the redevelopment area has been approved by the Municipal Board, the Minister is not satisfied with the progress made by the municipality in acquiring land within the redevelopment area or in preparing a redevelopment plan, he may withdraw his approvals under subsections 2 and 3 and thereupon the by-law desig-

nating the redevelopment area ceases to have effect and the redevelopment area ceases to exist.

(5) When a by-law has been passed and approved under subsection 2, the council, with the approval of the Municipal Board, may by by-law adopt a redevelopment plan for the redevelopment area.

Adoption
of re-
develop-
ment plan

(6) No redevelopment plan shall be approved by the Municipal Board unless it conforms with the official plan.

Conformity
to official
plan

(7) A redevelopment plan adopted and approved under subsection 5 may be amended by by-law with the approval of the Municipal Board.

Amendment

(8) For the purpose of carrying out the redevelopment plan, the municipality, with the approval of the Minister, may,

Powers of
council
re land

(a) construct, repair, rehabilitate or improve buildings on land acquired or held by it in the redevelopment area in conformity with the redevelopment plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;

(b) sell, lease or otherwise dispose of any land acquired or held by it in the redevelopment area to any person or governmental authority for use in conformity with the redevelopment plan.

(9) Until a by-law or amending by-law passed under section 35 after the adoption of the redevelopment plan is in force in the redevelopment area, no land acquired, and no building constructed, by the municipality in the redevelopment area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of agrees with the municipality that he will keep and maintain the land and building and the use thereof in conformity with the redevelopment plan until such a by-law or amending by-law is in force; but the municipality may, with the approval of the Minister, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the redevelopment plan, for a term of not more than three years at any one time.

Conditions
of sale,
etc.

(10) Notwithstanding subsection 1 of section 288 of *The Municipal Act*, debentures issued by the Municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Municipal Board, provides. R.S.O. 1960, c. 296, s. 20 (3-10).

Debentures
R.S.O. 1970,
c. 284

23. A municipality, with the approval of the Minister, may enter into an agreement with any governmental authority, or any agency thereof created by statute, for the carrying out of studies

Agreements
re special
studies

relating to the physical condition of the municipality or any part thereof. R.S.O. 1960, c. 296, s. 21.

Agreements
for grants
in aid of
redevelop-
ment

24. The Minister, with the approval of the Lieutenant Governor in Council, and a municipality may enter into agreement providing for payment to the municipality on such terms and conditions and in such amounts as may be approved by the Lieutenant Governor in Council to assist in the redevelopment of a redevelopment area as defined in section 22. R.S.O. 1960, c. 296, s. 22.

R.S.O. 1970,
c. 284
to apply

25. The provisions of *The Municipal Act* apply to the acquisition of land under this Act. R.S.O. 1960, c. 296, s. 23.

Power to
clear, grade,
etc., lands
acquired

26. When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held. R.S.O. 1960, c. 296, s. 24.

Exchange
of lands

27. When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality. R.S.O. 1960, c. 296, s. 25.

Interpre-
tation

28. For the purposes of this Part, "municipality" includes a county. 1962-63, c. 105, s. 5.

PART II

SUBDIVISIONS

Interpre-
tation

29.—(1) In this section, "consent" means,

- (a) in the case of land situate in a municipality that forms part of a county for municipal purposes or situate in a municipality that is within a metropolitan, regional or district municipality,
 - (i) a consent given by the committee of adjustment of such municipality under subsection 3 of section 42, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, or
 - (ii) where there is no committee of adjustment referred to in subclause i, a consent given by the land division committee constituted under section 30, or
 - (iii) where there is no committee of adjustment referred to in subclause i, or no land division committee

referred to in subclause ii, a consent given by the Minister;

- (b) in the case of land situate in a municipality that does not form part of a county for municipal purposes or situate in a municipality that is not within a metropolitan, regional or district municipality, or situate in a municipality in a territorial district,
 - (i) a consent given by the committee of adjustment of such municipality under subsection 3 of section 42, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, or
 - (ii) where there is no committee of adjustment referred to in subclause i, a consent given by the Minister; or
- (c) in the case of land situate in territory without municipal organization, a consent given by the Minister.

(2) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,

Subdivision
control

- (a) the land is described in accordance with and is within a registered plan of subdivision; or
- (b) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or
- (c) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or
- (d) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired

R.S.O. 1970,
c. 312

for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or

- (e) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.

Designation
of plans of
subdivision
not deemed
registered

(3) The council of a municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection 2.

Part-lot
control

(4) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to a part of any lot or block of the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

- (a) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or
- (b) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or
- (c) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or
- (d) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.

R.S.O. 1970,
c. 312

(5) Notwithstanding subsection 4, the council of a municipality may by by-law provide that subsection 4 does not apply to land that is within such registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection 4 ceases to apply to such land.

Designation of plans of subdivision not subject to part-lot control

(6) Any consent mentioned in subsection 2 or 4 shall lapse, in the case of a consent given by the Minister, at the expiration of one year after the date upon which the consent was granted, and in the case of a consent given by the committee of adjustment or the land division committee, at the expiration of one year after the date of the certificate given under subsection 20 of section 42, unless within such period,

Consent to lapse after one year

- (a) an agreement was entered into for the sale and purchase of the land in respect of which the consent was granted or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more; or
- (b) the land in respect of which the consent was granted was conveyed, mortgaged or charged or a power of appointment with respect to the land was exercised,

provided that the committee of adjustment, the land division committee or the Minister, as the case may be, in granting the consent may provide for an earlier lapsing of the consent.

(7) An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with.

Conveyance, etc., contrary to section not to create or convey interest in land

(8) A certified copy or duplicate of every by-law passed under subsection 3 shall be lodged by the clerk of the municipality in the office of the Minister.

Copy of by-law to be lodged with Minister

(9) A by-law passed under subsection 3 is not effective until the requirements of subsections 10 and 11 have been complied with.

When by-law effective

(10) A certified copy or duplicate of every by-law passed under this section shall be registered by the clerk of the municipality in the proper registry or land titles office.

Copy of by-law to be registered

(11) The clerk of the municipality shall send by registered mail notice of the passing of a by-law under subsection 3 to each person appearing by the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person.

Notice of by-law to be mailed to owners of affected land

Matters to be regarded in determining consent, conditions

(12) A committee of adjustment, a land division committee and the Minister, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 4 of section 33 and have the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsections 5 and 8 of section 33, and shall require that all conditions imposed be fulfilled prior to the granting of a consent.

Special account

(13) Where on the granting of a consent a condition has been imposed that land be conveyed for public purposes other than highways, any land so conveyed may be sold by the municipality at any time and subsection 11 of section 33 applies to moneys received in lieu of a conveyance of such land and to moneys received from the sale of such land.

Agreements

(14) Every municipality may enter into agreements imposed as a condition to the granting of a consent. 1970, c. 72, s. 1.

Appointment of land division committee

30.—(1) Where one or more municipalities forming part of a county for municipal purposes, or being within a metropolitan, regional or district municipality, do not have a committee of adjustment constituted prior to the 15th day of June, 1970, the council of the county, or of the metropolitan, regional or district municipality, as the case may be, shall, upon being notified in writing of this fact by the Minister, constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable.

Interpretation

(2) In subsection 3, “employee of a municipality” includes an employee of a local board of the municipality but does not include a teacher employed by a board of education or school board.

Members and employees of county, etc., not eligible

(3) No member of council or employee of a county or of a metropolitan, regional or district municipality and no member of council or employee of a municipality forming part of a county or of a municipality being within a metropolitan, regional or district municipality is eligible to be a member of the land division committee constituted by the council of the county or metropolitan, regional or district municipality.

Application of s. 41, subss. 4-12, s. 42, subss. 3-20 to committee, power to grant consents

(4) The provisions of subsections 4 to 12 of section 41 and subsections 3 to 20 of section 42 apply *mutatis mutandis* to the land division committee, but the land division committee does not have jurisdiction to grant consents in respect of land situate in a municipality that has a committee of adjustment constituted prior to the 15th day of June, 1970, or constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, unless the council of such municipality passes a by-law authorizing the land division committee to grant such consents and the time provided for in subsection 5 has elapsed, or unless the committee of adjustment is dissolved.

(5) Where a by-law is passed under subsection 4, the clerk of the municipality shall forward by registered mail a certified copy thereof to the secretary-treasurer of the committee of adjustment, to the secretary-treasurer of the land division committee and to the Minister not later than five days after the passing of the by-law, and ten days after the passing of the by-law the land division committee has jurisdiction to grant consents in respect of land in such municipality and the committee of adjustment ceases to have jurisdiction for this purpose. 1970, c. 72, s. 2, *part*.

Clerk to mail copy of by-law to secretary-treasurer and Minister within 5 days

31.—(1) Notwithstanding any other provision in this Act, if a municipality does not have an official plan approved by the Minister or the Municipal Board on or before the 31st day of December, 1973, a committee of adjustment of such municipality shall after that date have no further jurisdiction to grant consents for the purposes of section 29 and the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes.

When committee of adjustment ceases to have jurisdiction to grant consents

(2) Notwithstanding any other provision in this Act, the Minister, if he is of the opinion that a committee of adjustment is not giving consents in the manner contemplated by the provisions of this Act, may by order declare that such committee has no further jurisdiction to give consents for the purposes of section 29, and thereafter the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes. 1970, c. 72, s. 2, *part*.

Idem

32.—(1) The Minister may by order,

- (a) with respect to any land in Ontario, exercise any of the powers conferred upon councils by section 35 without the approval of the Municipal Board; and
- (b) with respect to any land in Ontario exercise the powers conferred upon councils by subsection 3 of section 29. R.S.O. 1960, c. 296, s. 27 (1); 1968, c. 96, s. 3 (1); 1970, c. 72, s. 3 (1).

Power of Minister re zoning and subdivision control

(2) Where an order has been made under clause *a* of subsection 1, the Minister, in respect of the lands affected by the order, has all the powers in respect of such order as a committee of adjustment has in respect of a by-law implementing an official plan or passed under section 35 as provided in subsections 1 and 2 of section 42, but the provisions of subsections 4 to 19 of section 42 do not apply to the exercise by the Minister of such powers. 1964, c. 90, s. 2.

Power of Minister to allow minor variances

(3) Where a by-law passed under section 35 is in effect in a municipality or a part thereof and an order is made under clause *a* of subsection 1 applicable to such municipality or part, the by-law is not effective in such municipality or part while such order is in effect in such municipality or part. 1968, c. 96, s. 3 (2).

Order to prevail over by-law

Limitation
of zoning
powers

(4) Where an official plan is in effect, the Minister shall not, with respect to land covered by the official plan, make an order under clause *a* of subsection 1 that does not conform with the official plan. R.S.O. 1960, c. 296, s. 27 (2).

Notice

(5) The Minister may give notice of any such order in such manner as he considers proper and the Minister shall cause a certified copy or duplicate of the order to be registered in the proper registry or land titles office. 1970, c. 72, s. 3 (2).

Revocation
or amend-
ment

(6) The Minister may, by order, revoke or amend any order made under subsection 1. R.S.O. 1960, c. 296, s. 27 (4).

Offence

(7) Every person who contravenes an order of the Minister made under clause *a* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1960, c. 296, s. 27 (5); 1960-61, c. 76, s. 2 (1).

Effect of
land use
order

(8) An order of the Minister made under clause *b* of subsection 1 has the same effect as a by-law passed under section 29. 1960-61, c. 76, s. 2 (2).

Application
for approval
of sub-
division
plans

33.—(1) When land is to be subdivided for the purpose of being sold, conveyed or leased in lots by reference to a registered plan of subdivision, the owner of the land or someone authorized by him in writing shall forward at least eight, or as many as may be required, copies of a draft plan thereof drawn to scale, together with an application for approval, to the Minister.

What draft
plan to
indicate

(2) The draft plan shall show the boundaries of the land to be subdivided, certified by an Ontario land surveyor, and shall indicate,

- (a) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
- (b) on a small key plan, on a scale of not less than one inch to 1,000 feet, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which the applicant has an interest, and the information specified under clause *c*;
- (c) every adjoining subdivision and the relationship thereto of the lands proposed to be subdivided, and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;
- (d) the purpose for which the lots are to be used;
- (e) the nature of the existing uses of adjoining land;
- (f) the approximate dimensions and layouts of the proposed lots;

- (g) natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided, and anything within or adjacent to such land that constitutes a fire hazard to the proposed subdivision;
- (h) the availability and nature of domestic water supplies;
- (i) the nature and porosity of the soil;
- (j) such contours or elevations as may be required to determine the grade of the highways and the drainage of the land;
- (k) the municipal services available or to be available to the land proposed to be subdivided; and
- (l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided.

(3) The Minister may then confer with officials of municipalities and departments of the public service, commissions, authorities and any others who may be concerned and shall settle a draft plan that, in his opinion, will meet all requirements.

Minister to confer

(4) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the future inhabitants and to the following:

What matters to be regarded

- (a) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (b) whether the proposed subdivision is premature or necessary in the public interest;
- (c) the suitability of the land for the purposes for which it is to be subdivided;
- (d) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity, and the adequacy thereof;
- (e) the dimensions and shape of the lots;
- (f) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (g) conservation of natural resources and flood control;
- (h) the adequacy of utilities and municipal services;
- (i) adequacy of school sites;
- (j) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes.

Dedication
of land
for public
and highway
purposes

(5) The Minister may impose such conditions to the approval of a plan of subdivision as in his opinion are advisable and, in particular but without restricting in any way whatsoever the generality of the foregoing, he may impose as a condition,

- (a) that land to an amount determined by the Minister but not exceeding 5 per cent of the land included in the plan shall be conveyed to the municipality for public purposes other than highways or, if the land is not in a municipality, shall be dedicated for public purposes other than highways;
- (b) that such highways shall be dedicated as the Minister considers necessary;
- (c) when the subdivision abuts on an existing highway that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to such width as the Minister considers necessary; and
- (d) that the owner of the land enter into one or more agreements with the municipality dealing with such matters as the Minister may consider necessary, including the provision of municipal services.

Subdivision
agreements

(6) Every municipality may enter into agreements imposed as a condition to the approval of a plan of subdivision. R.S.O. 1960, c. 296, s. 28 (1-6).

Reference of
conditions

(7) Where the owner of the land or the municipality in which the land is situate is not satisfied as to the conditions imposed or to be imposed by the Minister, or any of them, he or it, at any time before the plan of subdivision is finally approved, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister, and the Board shall then hear and determine the question as to the condition or conditions so referred to it, and the decision of the Board in respect of such condition or conditions has the same force and effect as if it were the decision of the Minister. 1962-63, c. 105, s. 8 (1), *part*.

Cash
payment
in lieu of
conveyance

(8) The Minister may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 5, the acceptance by the municipality of money to the value of such land required to be conveyed. 1965, c. 98, s. 2 (1).

Use and
sale of
land

(9) Land conveyed to a municipality under subsection 5 shall be held and used by the municipality for public purposes, but may be sold with the approval of the Minister within a period of five years from the date of the approval of the plan of subdivision and may, after such period, be sold without the approval of the Minister. R.S.O. 1960, c. 296, s. 28 (9); 1965, c. 98, s. 2 (2).

(10) The council of a municipality may include in its estimates an amount to be used for the acquisition of lands to be used for park purposes and may pay into the fund provided for in subsection 11 the sum so included in the estimates, and any person may pay any sum into the same fund. 1961-62, c. 104, s. 5 (1).

Amounts
for park
purposes
paid into
special
account

(11) All moneys received by the municipality under subsections 8 and 10 and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be held and used by the municipality for park purposes or, with the approval of the Minister, for the acquisition of land to be held and used by the municipality for other public purposes or, with the approval of the Minister, for the development or improvement of lands used or to be used for park purposes, including the erection or repair of buildings or other structures thereon, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account. 1965, c. 98, s. 2 (3); 1968-69, c. 95, s. 4.

Special
account

R.S.O. 1970,
c. 470

(12) Upon settlement of the draft plan, the Minister may give his approval thereto, and may in his discretion withdraw his approval or change the conditions of approval at any time prior to his approval of a final plan for registration.

Approval of
draft plan
by Minister

(13) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with *The Surveys Act* and *The Registry Act* or *The Surveys Act* and *The Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor.

When draft
plan
approved
R.S.O. 1970,
cc. 453, 409,
234

(14) Upon presentation by the person desiring to subdivide, the Minister may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration.

Approval
of plan
by Minister

(15) When a final plan for registration is approved by the Minister under subsection 14 and is not registered within one month of the date of approval, the Minister may withdraw his approval and may require that a new application be submitted.

Withdrawal
of approval
of plan for
registration

(16) In addition to any requirement under *The Registry Act* or *The Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the registrar or master of titles a duplicate, or when required by the Minister two duplicates, of the plan in the form of linen tracings or transparent linen prints of a

Duplicates
to be
deposited
and sent to
Minister

type approved by the Minister, and the registrar or master shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister.

Saving (17) Approval of a plan of subdivision by the Minister does not operate to release any person from doing anything that he may be required to do by or under the authority of any other Act. R.S.O. 1960, c. 296, s. 28 (11-16).

Offence re certain land sales **34.**—(1) Every person who subdivides and offers for sale, agrees to sell or sells land by a description in accordance with an unregistered plan of subdivision is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1960, c. 296, s. 29.

Interpre- (2) In subsection 1, “unregistered plan of subdivision” does tation not include a reference plan of survey under section 167 of *The Land Titles Act* that complies with the regulations under that Act or a plan deposited under Part II of *The Registry Act* in accordance with the regulations under that Act. 1967, c. 75, s. 3. R.S.O. 1970, cc. 234, 409

PART III

RESTRICTED AREA AND BUILDING BY-LAWS

Restricted area by-laws **35.**—(1) By-laws may be passed by the councils of municipalities:

- Restricting use of land
- Restricting erection or use of buildings
- Marshy lands
- Construction of buildings and structures
1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.
 2. For prohibiting the erection or use of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.
 3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land where, by reason of its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.
 4. For regulating the cost or type of construction and the height, bulk, location, size, floor area, spacing, external design, character and use of buildings or structures to be erected within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

5. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway. Loading space
6. For prohibiting the making or establishment of pits and quarries within the municipality or within any defined area or areas thereof. R.S.O. 1960, c. 296, s. 30 (1); 1962-63, c. 105, s. 9. Pits and quarries

(2) Any by-law passed under this section may prohibit or regulate all or any of the matters mentioned in subsection 1. Scope of by-law
R.S.O. 1960, c. 296, s. 30 (2).

(3) A by-law heretofore or hereafter passed under paragraph 1 or 2 of subsection 1 or a predecessor of such paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land buildings or structures, as the case may be. 1968-69, c. 95, s. 5. Prohibition of use of land, etc., availability of municipal services

(4) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certificate shall be refused if the proposed use is not prohibited by the by-law. R.S.O. 1960, c. 296, s. 30 (4). Certificates of occupancy

(5) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law, and, upon any application, the Municipal Board may require that land mentioned in the by-law be so defined, and the information shown on such maps shall form part of the by-law to the same extent as if included therein. R.S.O. 1960, c. 296, s. 30 (5); 1961-62, c. 104, s. 6 (1). Use of maps

(6) The council may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum prescribed for the erection of a building or structure in the defined area in which such land is situate, and the council may dispose of any of such land, building or structure or may exchange any of such land for other land within the municipality. Acquisition and disposition of non-conforming lands

(7) No by-law passed under this section applies, Excepted lands and buildings

- (a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

- (b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure the plans for which have, prior to the day of the passing of the by-law, been approved by the municipal architect or building inspector, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within two years after the day of the passing of the by-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

Restrictions
on boundary
highways

(8) Where the boundary between two local municipalities is a highway and the council of one only of the municipalities, as to lands abutting on the highway, has passed a by-law for any purpose mentioned in subsection 1 and, for three months after request by the council of such municipality, the council of the other municipality neglects or fails to pass or to take effective proceedings to pass a corresponding by-law, the council of the first-mentioned municipality may apply to the Municipal Board for an order, which the Municipal Board has power to make, declaring that after a date to be named in the order the by-law of the first-mentioned municipality shall apply to the lands abutting on both sides of the boundary highway to the same extent in area for the same purpose and as fully and effectually as if all such abutting lands were described in the by-law and were within the first-mentioned municipality, and, if and when such order is made and becomes effective, the by-law shall be construed and may be enforced accordingly. R.S.O. 1960, c. 296, s. 30 (6-8).

Approval by
O.M.B.

(9) Subject to subsection 25, no part of any by-law passed under this section comes into force without the approval of the Municipal Board, and such approval may be for a limited period of time only, and the Board may extend such period from time to time upon application made to it for such purpose. R.S.O. 1960, c. 296, s. 30 (9); 1967, c. 75, s. 4 (1).

Repeal or
amendment

(10) Subject to subsection 25, no part of any by-law that repeals or amends a by-law passed under this section or a predecessor of this section and approved by the Municipal Board, except a by-law passed pursuant to an order of the Municipal Board made under subsection 22, comes into force without the approval of the Municipal Board. R.S.O. 1960, c. 296, s. 30 (10); 1961-62, c. 104, s. 6 (2); 1967, c. 75, s. 4 (2).

Notice of
application

(11) The council shall, in such manner and to such persons as the Municipal Board may direct, give notice of its application to the Municipal Board for approval of any by-law passed under this section. R.S.O. 1960, c. 296, s. 30 (11).

(12) Except as provided in subsections 13 and 14, the Municipal Board shall, before approving any by-law passed under this section, hold a public hearing for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Municipal Board. 1960-61, c. 76, s. 3, *part*.

Public
hearing

(13) The Municipal Board may direct that the notice to be given by the council shall state that anyone objecting to the by-law may, within such time from the giving of the notice as may be prescribed by the Municipal Board, file with the clerk his objection to the by-law. 1960-61, c. 76, s. 3, *part*; 1961-62, c. 104, s. 6 (3).

Notice to
provide for
filing of
objections

(14) Where notice has been given under subsection 13, the Municipal Board may, when no notice of objection has been filed with the clerk within the time specified in the notice, approve the by-law without holding a public hearing and, if one or more objections have been filed with the clerk within the time specified in the notice, the Municipal Board shall hold a public hearing unless under all the circumstances affecting the matter the Municipal Board considers the objection or, if more than one, all the objections to be insufficient to require a public hearing. 1960-61, c. 76, s. 3, *part*.

Dispensing
with public
hearing

(15) Where a by-law passed under this section applies to land abutting on the King's highway or on a highway under the jurisdiction of a county council, the council that passed the by-law shall give to the Department of Highways or to the clerk of the county council, as the case may be, notice of its intention to apply to the Municipal Board for approval of the by-law.

Notice of
application
when King's
Highway or
county
highway
affected

(16) Where a by-law passed under this section applies to land abutting on a boundary between the municipality that passed the by-law and another local municipality, the council that passed the by-law shall give,

Notice of
application
when lands
in adjoining
municipality
affected

- (a) to the clerk of the other municipality;
- (b) to the secretary of the planning board, if any, of the other municipality; and
- (c) to each owner of land in the other municipality abutting on the land to which the by-law applies,

notice of its intention to apply to the Municipal Board for approval of the by-law.

(17) Every application to the Municipal Board for approval of a by-law passed under this section shall state whether or not the land affected by the by-law is covered by an official plan.

Application
to state
whether
official
plan in
effect

(18) Where, after an adjournment of the hearing of an application for approval of any by-law passed under this section and prior to the final hearing of the application, the by-law is

Amendment
of by-law
pending
approval

amended, the Municipal Board may direct that notice of the application for approval of the amended by-law be given in such manner and to such persons as the Municipal Board may direct or may dispense with such notice, and may approve the amended by-law.

Extent of approval

(19) The Municipal Board may approve any such by-law in whole or in part and as to the whole or any part of any land, area or highway therein defined, and the Municipal Board may have regard to the restrictions on any land adjacent to such land, area or highway.

When approval effective

(20) Such approval does not become effective until the issue by the Municipal Board of its formal order thereof.

Extension or enlargement

(21) Notwithstanding any other provision of this section, any by-law passed under this section or a predecessor of this section or any by-law deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941* may, with the approval of the Municipal Board, be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

1941, c. 35

Appeal

(22) Where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section, or any by-law deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, is refused or the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and dismiss the same or direct that the by-law be amended in accordance with its order.

Copies of decision

(23) Where an application has been made to the Municipal Board for the approval of a by-law passed under this section, a copy of the decision of the Municipal Board with respect to the application shall be supplied by the Municipal Board to the applicant and to each person who appeared in person or by counsel at the hearing of the application and who filed with the Municipal Board or the secretary of the Municipal Board a written request for notice of the decision. R.S.O. 1960, c. 296, s. 30 (12-20).

Notice of by-law

(24) The Lieutenant Governor in Council may make regulations prescribing the manner of giving notice, the form of the notice, the persons to whom notice shall be given and the time within which objections may be filed with the clerk of the municipality when the council proceeds under subsection 25.

(25) Where an official plan is in effect in a municipality and notice is given in the manner and form and to the persons prescribed by the regulations and no notice of objection has been filed with the clerk of the municipality within the time prescribed by the regulations, the by-law thereupon comes into effect.

By-law effective where no notice of objection filed

(26) Where an official plan is in effect in a municipality and notice is given in the manner and form and to the persons prescribed by the regulations and a notice of objection has been filed with the clerk of the municipality within the time prescribed by the regulations, the by-law does not come into effect until approved by the Municipal Board.

Where notice of objection filed

(27) A certificate of the clerk of the municipality that the notice has been sent in the manner and form and to the persons prescribed by the regulations and that no notice of objection has been filed with him within the time prescribed by the regulations shall be *prima facie* evidence of the facts stated therein.

Certificate of clerk re notices

(28) Any by-law approved by the Municipal Board under this section shall be conclusively deemed to be in conformity with the official plan then in effect in the municipality.

Approved by-law deemed to conform to plan

(29) The council of a municipality may, subject to subsections 30 and 31, pass by-laws to permit the use of vacant land for the parking thereon of vehicles where such use is otherwise prohibited by any other by-law passed under this section.

Use of vacant land for parking

(30) A by-law passed under subsection 29 shall define the area to which it applies and shall prescribe the period for which it shall be in effect, which shall not exceed two years from the date of the passing of the by-law or the period during which the owner of the lands at the time of the passing of the by-law continues to be the owner thereof, whichever is the lesser, and may contain such other provisions as the council considers advisable.

Effective period of by-law

(31) When a by-law passed under subsection 29 ceases to have effect, clause *a* of subsection 7 does not apply in respect of the use of land permitted by such by-law.

Use of vacant land for parking not non-conforming use

(32) Any parking facilities provided pursuant to a by-law passed under subsection 29 shall be deemed not to be parking facilities required to be provided and maintained by virtue of any other by-law passed under this section. 1967, c. 75, s. 4 (3).

Parking facilities

36.—(1) In this section,

Interpretation

- (a) “committee” means a housing standards committee established under this Act;
- (b) “repair” includes the provision of such facilities and the making of such additions or alterations as may be required so that the residential property shall conform to the standards prescribed in the by-law, and “repairs” and “repaired” have a corresponding meaning;

- (c) “residential property” means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment. 1964, c. 90, s. 4, *part*; 1967, c. 75, s. 5 (1).

Standards of
maintenance
and occu-
pancy

(2) If an official plan that includes provisions relating to housing conditions is in effect in a municipality, the council of the municipality may pass a by-law,

- (a) for prescribing standards for the maintenance and occupancy of residential property within the municipality or within any defined area or areas and for prohibiting the use of such residential property that does not conform to the standards;
- (b) for requiring residential property below the standards prescribed in the by-law to be repaired and maintained to comply with the standards or the land thereof to be cleared of all buildings or structures and left in a graded and levelled condition.

Notice

(3) A by-law passed under this section is not enforceable with respect to a residential property until notice has been sent by registered mail to or served on the assessed owner and all persons shown by the records of the registry office or the land titles office and the sheriff's office to have an interest in such residential property and upon the occupant thereof, if any, stating that the residential property does not comply with the standards prescribed in the by-law and that repairs are required to be made thereto, giving reasonable particulars of the repairs required to be made, or that the land must be cleared and left in a graded and levelled condition and stating the time within which such repairs are to be made or such clearing is to be done, which shall be not less than six months, and that, if such repair or clearance is not so done, the municipality may carry out the repair or clearance at the expense of the owner. 1964, c. 90, s. 4, *part*.

Registration
of notice

(4) A notice under subsection 3 may be registered in the proper registry or land titles office, and, upon registration of such notice, any person acquiring any interest in the land subsequent to the registration of the notice shall be deemed to have been given notice under subsection 3 on the date on which notice was given to the registered owner and, when the requirements of the notice have been satisfied, the clerk of the municipality shall forthwith register in the proper registry or land titles office a certificate that such requirements have been satisfied, which shall operate as a discharge of such notice. 1967, c. 75, s. 5 (2).

Approval of
O.M.B.

(5) No part of any by-law passed under this section comes into force without the approval of the Municipal Board.

(6) No part of any by-law that repeals or amends a by-law passed under this section and approved by the Municipal Board, except a by-law passed pursuant to an order of the Municipal Board made under subsection 7, comes into force without the approval of the Municipal Board.

Repeal or amendment

(7) Where an application to the council of a municipality for an amendment to a by-law passed under this section is refused or the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board, and the Municipal Board shall hear the appeal and dismiss it or direct that the by-law be amended in accordance with its order.

Appeal

(8) Every by-law passed under this section shall provide for the establishment of a housing standards committee of three ratepayers of the municipality who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of the municipality, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Housing standards committee

(9) The council of the municipality in making appointments to the committee shall designate the chairman and vice-chairman of the committee and shall make provision for a secretary for the committee, and the chairman, or in his absence the vice-chairman, may administer oaths. 1964, c. 90, s. 4, *part*.

Chairman

(10) Two members of the committee constitute a quorum, and the committee may adopt its own rules of procedure but before hearing an application under subsection 11 shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive notice. 1964, c. 90, s. 4, *part*; 1965, c. 98, s. 3.

Quorum and procedure

(11) Upon the application of a registered owner of a residential property who is the sole occupant thereof, either by himself or with the immediate members of his family, the committee may grant an extension of not more than one year from the end of the time specified in a notice given under subsection 3 within which the repairs are to be made or the clearing is to be done, provided that no extension shall be granted unless the committee is of the opinion that a refusal of the application would result in undue hardship.

Extension of time for complying with notice

(12) Not more than two extensions may be granted under subsection 11 in respect of any residential property.

Limitation

(13) When a by-law passed under this section is in effect, such municipal officer as is assigned the responsibility of administering and enforcing the by-law may, at all reasonable times and upon producing proper identification, enter and inspect, either by himself or accompanied by one assistant, any residential property to which the by-law applies. 1964, c. 90, s. 4, *part*.

Inspection

Loans for
repairs

37.—(1) When a by-law under section 36 is in force in a municipality, the council of the municipality may pass a by-law for providing for the making of loans to the registered owners or assessed owners of lands in respect of which a notice has been sent under subsection 3 of section 36 to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands, on such terms and conditions as the council may prescribe.

Loans
collected
as taxes,
lien on land

(2) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

Registration
of certificate

(3) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper registry or land titles office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged. 1967, c. 75, s. 6.

Building
by-laws

38.—(1) By-laws may be passed by the councils of municipalities:

Size and
strength of
walls, etc.,
and produc-
tion of
plans

1. For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality or of a by-law of any other municipality, including a county and a metropolitan municipality, or the laws of Ontario or Canada in force in the municipality. R.S.O. 1960, c. 296, s. 31 (1), par. 1; 1961-62, c. 104, s. 7 (1); 1962-63, c. 105, s. 10 (1).

2. For requiring the interior side of the exterior walls and the ceilings and both sides of the partition walls of buildings, or any class of buildings, to be lathed and plastered or otherwise covered with adequate material. Interior walls and ceilings

3. For authorizing the municipal architect or building inspector to permit, in special cases that in his judgment warrant it, such deviation as he may deem proper from the by-laws regulating the erection of buildings, except by-laws passed under section 35 or a predecessor of that section. Deviations from building by-laws
 - (a) This paragraph applies only to municipalities where the municipal architect or building inspector, as the case may be, is a member or licensee of the Ontario Association of Architects under *The Architects Act* or a member or licensee of the Association of Professional Engineers of the Province of Ontario under *The Professional Engineers Act*. Limited application of paragraph
R.S.O. 1970, cc. 27, 366

4. For requiring owners and occupants to furnish the council with the levels, with reference to a line fixed by by-law, of their cellars heretofore or hereafter dug or constructed, and for taking such other means as may be considered necessary for ascertaining such levels. Ascertaining levels of cellars, etc.

5. For fixing grade lines of streets; for providing that the levels of cellars and basements on such streets shall bear a relation, fixed in the by-law, to such lines; and for requiring that a ground or block plan of any proposed building be deposited with an officer named in the by-law, before the issue of a building permit for such building, showing the levels of the cellars and basements in relation to the grade lines fixed in the by-law. R.S.O. 1960, c. 296, s. 31 (1), pars. 2-5. Establishing grades of streets and levels of basements

6. For regulating, controlling and inspecting, subject to *The Boilers and Pressure Vessels Act*, all hot air, hot water and steam heating plants and equipment, or any classes thereof, and the installation thereof; and for requiring the production of plans of all installations of such plant and equipment and alterations or additions thereto, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and for requiring that without such permit no such plant and equipment may be installed, altered or added to. R.S.O. 1960, c. 296, s. 31 (1), par. 6; 1964, c. 90, s. 5. Regulation, etc., of heating plant and equipment
R.S.O. 1970, c. 47

Regulating
removal and
wrecking of
buildings and
structures

7. For regulating the removing or wrecking of buildings and structures and the spraying thereof during such work so as to prevent dust or rubbish arising therefrom, and for the issuing of a permit for the removing, wrecking or partial removing or wrecking of buildings and structures without which no building or structure may be removed or wrecked or partially removed or wrecked, and for fixing and charging fees for such permit. 1961-62, c. 104, s. 7 (2).

Doors of
public
buildings
R.S.O. 1970,
cc. 139, 459, 220

8. For regulating, subject to the provisions of *The Egress from Public Buildings Act*, *The Theatres Act* and *The Industrial Safety Act*,
 - (a) the size and number of doors, aisles, halls and stairs in and other means of egress from hospitals, schools, colleges, churches, theatres, halls, or other buildings used as places of worship, or of public resort, or amusement, or for public meetings, and the street gates leading to them;
 - (b) the construction and width of stairways in such buildings, and in factories, warehouses, hotels, boarding and lodging houses;
 - (c) the materials of which and the manner in which stairs and stair-railings shall be constructed, and the strength of walls, beams and joists and their supports in all such buildings; and
 - (d) for requiring the production of the plans of the buildings mentioned in this paragraph now erected or which it is proposed to erect, and for prohibiting the use or erection of them until the provisions of the by-law are complied with to the satisfaction of the architect of the corporation or an officer appointed for the purpose. R.S.O. 1960, c. 296, s. 31 (1), par. 8, *amended*.

Obstruction
of halls,
aisles, etc.

9. For prohibiting and preventing the obstruction by persons or things of the halls, aisles, passageways, alleys or approaches in or leading to any such building during the occupation of it by a public assemblage.

Powers of
police
officers as
to seeing
that by-laws
enforced

- (a) While any building mentioned in clause *a* of paragraph 8 in a city or town is occupied by a public assemblage, the chief of police or any constable of the city or town may enter it to see that the by-law is not being contravened, and may require the removal of any obstruction or of any person standing, sitting or otherwise occupying any hall, aisle, passageway, alley or approach, except for passing to and fro. R.S.O. 1960, c. 296, s. 31 (1), par. 9, *amended*.

10. For requiring every owner of land upon which there is erected a building used or intended to be used for commercial purposes to keep in repair any portion of his land lying between the building and the street line that is used by the public as part of the sidewalk on such street. Owner's duty to repair land in front of commercial buildings
11. Subject to the provisions of any other Act requiring fire escapes, for compelling the owners and occupants of buildings more than two storeys in height, except private dwellings, to provide proper fire escapes therefor in such places, of such pattern and mode of construction as may be deemed proper, and for prohibiting the occupation of any such buildings unless such fire escapes are provided. Compelling provision of fire escapes
12. For regulating the construction, alteration or repairs of buildings. Erection of buildings, etc.
13. For prohibiting the erection or placing, within defined areas, of buildings or additions to them without foundations and foundation walls or with external and party walls other than of brick, portland cement, concrete, steel, stone, tile, terracotta or other incombustible material or of one or more of such materials or other than partly of one or more of such materials and partly of other materials as the by-law may prescribe and also prohibiting roofing of other than incombustible material; provided, however, that such by-laws may allow, in defined areas, buildings for prescribed purposes to be erected or placed not exceeding a prescribed size or height having walls of other than such materials or partly of one or more thereof and partly of other materials as the by-law may provide, with roofing of such materials as the council may determine according to the intended use of such buildings, and such by-laws may prohibit the erection or placing of more than the prescribed number of such buildings on any one lot or parcel of land.
 - (a) "Incombustible material" as applied to roofing in this paragraph means the material prescribed by the by-law with reference to each defined area.
 - (b) For the purposes of this paragraph, any area or areas in the municipality may be defined by the use of maps attached to the by-law, and the information shown on such maps forms part of the by-law to the same extent as if included therein.
14. For regulating the repairing or alteration of roofs or the external walls of existing buildings within such areas, so that the buildings may be as nearly as practicable fire proof. Repairs to existing buildings

Pulling
down, etc.,
buildings
illegally
erected

15. For authorizing the pulling down or removal, at the expense of the owner, of any building or erection constructed, altered, repaired or placed in contravention of the by-law.

Pulling down
buildings in
ruinous
state

16. For authorizing the pulling down or repairing or renewing, at the expense of the owner, of any building, fence, scaffolding or erection that, by reason of its ruinous or dilapidated state, faulty construction or otherwise, is in an unsafe condition as regards danger from fire or risk of accident.

Inspecting
and regul-
ating
electric
wires, etc.

17. For regulating and inspecting wires and other apparatus placed or used for the transmission of electricity for any purpose in or along any highway or on or in any building, and for requiring any such wire or other apparatus that is deemed unsafe or dangerous to be removed or repaired at the expense of the person to whom it belongs or who is using it.

Construction
of chimneys,
fireplaces,
etc.

18. For regulating the construction of chimneys, flues, fireplaces, stoves, ovens, boilers or other apparatus or things that may be dangerous in causing or promoting fire, and for removing at the expense of the owner any of them constructed in contravention of the by-law.

Construction
of chimneys

19. For regulating the construction as to dimensions and otherwise of chimneys.

Erection of
party walls

20. For regulating and enforcing the erection of party walls.

Construction
of cellars,
drains, etc.

21. For regulating the construction of cellars, sinks, cess-pools, water closets, earth closets, privies and privy vaults; for requiring and regulating the manner of the draining, cleaning and clearing and disposing of the contents of them. R.S.O. 1960, c. 296, s. 31 (1), pars. 10-21.

Control of
termites

22. For requiring,
 - (a) any building or structure or any class or classes thereof heretofore or hereafter erected or any additions thereto to be rendered resistant to infestation by termites and other wood-destroying insects;
 - (b) the repair of any part of any building or structure or any class or classes thereof that has been damaged by termites or other wood-destroying insects;
 - (c) the removal and destruction of all wooden poles, trees, stumps or other wooden or cellulose material that is not part of a building if they are certified by the building inspector or commissioner to be infested by termites or other wood-destroying insects.

23. For providing for the payment by the municipality, not to exceed in any case \$250, of not more than one-half of the cost, Cost of control of termites and repairs
- i. of repairing any damage done to any building or structure or any class or classes thereof by termites or other wood-destroying insects; and
 - ii. of rendering resistant to infestation by termites or other wood-destroying insects any building or structure or any class or classes thereof that were erected before a by-law is passed under this paragraph,

and for providing for the making of loans to the owners of such buildings or structures to pay for the whole or any part of the cost of such repairs or of the rendering resistant to such infestation, less any amount paid by the municipality, on such terms and conditions as the council may prescribe.

(a) The amount of any loan made under a by-law passed under this paragraph, together with interest at a rate not exceeding 5 per cent per annum, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

(b) A certificate of the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this paragraph, including the rate of interest thereon, together with a description sufficient to identify the land in respect of which the loan has been made, shall be registered in the proper registry or land titles office against the land upon proof by affidavit of the signature of the clerk, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate of the clerk showing such repayment shall be similarly registered, and thereupon the lands are freed from all liability with reference thereto. 1962-63, c. 105, s. 10 (2).

24. For the purposes of any by-law passed under this section or a predecessor of this section, for adopting with such changes as the council may consider necessary by including in the by-law in whole or in part the National Building Code of Canada and in whole or in part any code or standards adopted, made or sponsored by the Canadian Standards Association, the Canadian Gov- Building codes

ernment Specifications Board, the American Society for Testing Materials or any other such body and approved by the National Research Council (Canada). 1961-62, c. 104, s. 7 (3).

Supervision
of erection
of public
buildings

R.S.O. 1970,
cc. 27, 366

Interpre-
tation

25. For requiring that public buildings to be erected, constructed or altered in the municipality be designed by and the specifications therefor be prescribed by and the erection, construction and alteration thereof be controlled and supervised by a member or licensee of the Ontario Association of Architects under *The Architects Act* or a civil engineer who is a member or licensee of the Association of Professional Engineers of the Province of Ontario under *The Professional Engineers Act*.

(a) In this paragraph, "public buildings" means arenas, armouries, amusement park structures, bleachers, bowling alleys, churches, club buildings, community halls, court rooms, curling rinks, dance halls, exhibition buildings, grandstands, gymnasiums, libraries, lodge rooms, museums, passenger stations and depots, recreation piers, reviewing stands, schools, skating rinks, stadia, swimming pool buildings and structures, theatres and other buildings and structures that are to be used or offered for use as places of public assembly. R.S.O. 1960, c. 296, s. 31 (1), par. 23.

Certificate
of com-
pliance and
prohibiting
use of
buildings
not in
compliance
with by-laws

26. For requiring persons,

- (a) who have caused a building or structure to be erected, altered or repaired without having first obtained a permit so to do where such a permit is required; or
- (b) who having obtained a permit have caused a building or structure to be erected, altered or repaired contrary to the approved plans in respect of which the permit was issued,

to make such buildings comply with the by-laws of the municipality if they do not so comply and in any case to obtain a certificate of compliance from the building inspector and for charging fees for such certificates and for prohibiting the use of such a building or structure by such persons until a certificate of compliance has been obtained. 1961-62, c. 104, s. 7 (4).

Township
by-laws

- (2) A by-law passed by the council of a township under any paragraph of subsection 1 may be made applicable to the township or one or more defined areas thereof as set out in the by-law. R.S.O. 1960, c. 296, s. 31 (2).

39. The council of a county may enter into an agreement with one or more local municipalities for the appointment by the county of a building inspector for the administration of by-laws passed under section 38 by such local municipalities and for charging such municipalities the whole or part of the cost of such building inspector. 1967, c. 75, s. 7.

Building
inspector

40. Part XXI of *The Municipal Act* applies *mutatis mutandis* to by-laws passed under this Part. R.S.O. 1960, c. 296, s. 32.

Application
of R.S.O.
1970, c. 284,
part XXI

PART IV

COMMITTEES OF ADJUSTMENT

41.—(1) If a municipality has passed a by-law under section 35 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality or part, composed of such persons, not less than three, as the council considers advisable.

Establish-
ment of
committees
of adjustment

(2) In subsection 3, “employee” does not include a teacher employed by a board of education or school board. 1961-62, c. 104, s. 8, *part*.

Interpre-
tation

(3) A member of the council of the municipality or an employee of the municipality or of a local board thereof is not eligible to be a member of a committee of adjustment. 1968, c. 96, s. 4.

Members
and
employees
of municipi-
pality, etc.,
not eligible

(4) Appointments to the committee shall be for a term of three years, except that on the first appointment the council shall designate members who shall hold office,

Term of
office

- (a) until the 1st day of January of the year following the date of appointment;
- (b) until the 1st day of January of the second year following the date of appointment; and
- (c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of the members shall retire each year. 1961-62, c. 104, s. 8, *part*.

(5) Members of the committee shall hold office until their successors are appointed, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term. 1961-62, c. 104, s. 8, *part*; 1962-63, c. 105, s. 11 (2).

Idem

(6) A majority of the members of the committee constitutes a quorum.

Quorum

Vacancy not
to impair
powers

(7) Subject to subsection 6, a vacancy in the membership or the absence or inability of a member to act does not impair the powers of the committee or of the remaining members.

Chairman

(8) The members of the committee shall elect one of themselves as chairman, and, when the chairman is absent through illness or otherwise, the committee may appoint another member to act as chairman *pro tempore*.

Employees

(9) The committee shall appoint a secretary-treasurer, who may be a member of the committee, and may engage such employees and consultants as is considered expedient, within the limits of the moneys appropriated for the purpose.

Remunera-
tion

(10) The members of the committee shall be paid such compensation as the council may provide. 1961-62, c. 104, s. 8, *part*.

Filing of
documents,
etc.

R.S.O. 1970,
c. 284

(11) The secretary-treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 216 of *The Municipal Act* applies *mutatis mutandis* to such documents. 1961-62, c. 104, s. 8, *part*; 1966, c. 116, s. 4.

Rules of
procedure

(12) In addition to complying with the requirements imposed upon the committee by this Act, the committee shall comply with such rules of procedure as are prescribed by the Minister by regulation. 1970, c. 72, s. 4.

Powers of
committee,
general

42.—(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that implements an official plan or is passed under section 35, or a predecessor of such section, or any person authorized in writing by the owner, may, notwithstanding any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. 1961-62, c. 104, s. 8, *part*.

special

(2) In addition to its powers under subsection 1, the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was used for a purpose prohibited by the by-law and such use has continued until the date of the application to the committee, may permit,

(i) the enlargement or extension of the building or structure, provided that the land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the by-law was passed, and provided that no permission may be given to enlarge or extend the building

or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

- (ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, provided that the land, building or structure continues to be used in the same manner and for the same purpose as is authorized by the decision of the committee; or

- (b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. 1961-62, c. 104, s. 8, *part*; 1966, c. 116, s. 5 (1).

(3) In addition to its powers under subsections 1 and 2 and subject to section 30, the committee upon the application of the owner of any land or any person authorized in writing by such owner, may, notwithstanding any other Act, give a consent as mentioned in section 29, provided that the committee is satisfied that a plan of subdivision under section 33 of the land described in the application is not necessary for the proper and orderly development of the municipality. 1970, c. 72, s. 5 (1).

Power of
committee
to give
consent

(4) The hearing on any application shall be held within thirty days after the application is received by the secretary-treasurer.

Time for
hearing

(5) The committee, before hearing an application, shall give notice thereof in such manner and to such persons as the committee considers proper. 1961-62, c. 104, s. 8, *part*.

Notice of
hearing

(6) The committee may prescribe a tariff of fees payable in respect of applications made to it, which may vary according to the type of the application, but in no case shall the fee payable on any application be more than \$25. 1962-63, c. 105, s. 12 (1).

Tariff
of fees

(7) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.

Hearing

(8) The chairman, or in his absence the acting chairman, may administer oaths.

Oaths

- Decision (9) No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision. 1961-62, c. 104, s. 8, *part*.
- Conditions in decision (10) Any authority or permission granted by the committee under subsections 1 and 2 may be for such time and subject to such terms and conditions as the committee considers advisable and as are set out in the decision. 1964, c. 90, s. 6 (2).
- Notice of decision (11) The secretary-treasurer shall send by mail one copy of the decision, certified by him, to the Minister, to the applicant and to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision, together with a notice of the last day for appealing to the Municipal Board. 1962-63, c. 105, s. 12 (2); 1966, c. 116, s. 5 (3).
- Additional material (12) The secretary-treasurer shall also send to the Minister, when he sends the notice under subsection 11, the following:
1. A copy of the application to the committee certified by the secretary-treasurer.
 2. A copy of the draft minutes of the hearing by the committee as prepared for adoption by the committee.
 3. A copy of all maps or sketches that were before the committee on the hearing of the application and that show the land, building or structure that was the subject-matter of the application.
 4. A sworn declaration by the secretary-treasurer that he has complied with the requirements of subsection 11. 1966, c. 116, s. 5 (4).
- Appeal (13) The applicant, the Minister or any other person who has an interest in the matter may appeal to the Municipal Board against the decision of the committee by sending notice of appeal by registered mail to the secretary of the Municipal Board and to the secretary-treasurer of the committee of adjustment, within fourteen days after the sending of the notice under subsection 11.
- Where no appeal (14) If within such fourteen days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality.
- Hearing (15) On an appeal to the Municipal Board, the Municipal Board shall hold a hearing of which notice shall be given to the Minister, the applicant, the secretary-treasurer of the committee

and to such other persons and in such manner as the Municipal Board may determine.

(16) The Municipal Board may dismiss the appeal and may make any decision that the committee could have made on the original application. Powers of
Municipal
Board

(17) The costs on the appeal are in the discretion of the Municipal Board. Costs

(18) When the Municipal Board makes an order on an appeal, the secretary of the Municipal Board shall send a copy thereof to the Minister and to the secretary-treasurer of the committee. Notice of
decision

(19) The secretary-treasurer shall send to the applicant a copy of the order of the Municipal Board on the appeal and shall file a copy of the order with the clerk of the municipality. 1961-62, c. 104, s. 8, *part*. Idem

(20) When a consent has been granted on an application under subsection 3, the secretary-treasurer shall, after the decision of the committee is final and binding under subsection 14, give a certificate to the applicant stating that such consent has been given, and the certificate is conclusive evidence that such consent was given and that the provisions of this Act leading to such consent have been complied with. 1967, c. 75, s. 8 (2). Certificate
that consent
given

PART V

GENERAL

43. In addition to any other remedy or penalty provided by law, any contravention of a by-law that implements an official plan and any contravention of section 19 may be restrained by action at the instance of the planning board of the planning area in which the contravention took place or any municipality within or partly within such planning area or any ratepayer of any such municipality, and any contravention of an order of the Minister made under section 32 may be restrained by action at the instance of the Minister or the municipality in which the contravention took place or any adjoining municipality or any ratepayer of any such municipality or adjoining municipality. R.S.O. 1960, c. 296, s. 33. Right to
restrain

44.—(1) When under this Act the approval or consent of the Minister is applied for, the Minister may, and upon application therefor shall, refer the matter to the Municipal Board unless, in his opinion, such request is not made in good faith or is frivolous or is made only for the purpose of delay and, when the Minister has referred the matter to the Municipal Board, the approval or consent, as the case may be, of the Municipal Board has the same Reference to
O.M.B.

force and effect as if it were the approval or consent of the Minister. 1967, c. 75, s. 9 (1).

Effect of
approval

(2) When under this Act the approval or consent of the Minister is given, the signature of the Minister or the seal of the Municipal Board, as the case may be, by which the approval or consent is evidenced is conclusive evidence that the provisions of this Act leading to such approval or consent have been complied with. R.S.O. 1960, c. 296, s. 34 (2).

Application
where draft
plan
approved

(3) Where a draft plan of subdivision has been approved under subsection 12 of section 33, subsection 1 does not apply to the approval of the plan of subdivision under subsection 14 of section 33. 1967, c. 75, s. 9 (2).

Regulations

45. The Minister may make regulations prescribing rules of procedure for committees of adjustment and land division committees constituted under this Act. 1970, c. 72, s. 6.

Conflict

46. In the event of conflict between the provisions of this and any other general or special Act, the provisions of this Act prevail. R.S.O. 1960, c. 296, s. 35.

CHAPTER 350

The Plant Diseases Act**1.** In this Act,Interpre-
tation

- (a) “dealer in nursery stock” means a person who has for sale plants that were propagated at a nursery and that are kept in the soil of the premises on which they are for sale;
- (b) “Director” means the Director appointed under this Act;
- (c) “inspector” means an inspector appointed under this Act, and includes a municipal inspector;
- (d) “Minister” means the Minister of Agriculture and Food;
- (e) “nursery” means any place where fruit trees, fruit stock or ornamental plants are propagated for sale;
- (f) “plant” means any tree, shrub, vine, tuber, bulb, corm, rhizome or root, or the fruit of any other part of any of them;
- (g) “plant disease” means any disease or injury of a plant that is caused by an insect, virus, fungus, bacterium or other organism and that is designated a plant disease in the regulations;
- (h) “Provincial Entomologist” means the Provincial Entomologist appointed under this Act;
- (i) “regulations” means the regulations made under this Act. R.S.O. 1960, c. 297, s. 1; 1966, c. 117, s. 1.

2. No person shall transport or ship from a nursery or premises of a dealer in nursery stock, sell, offer for sale, or have in his possession for sale at a nursery or at premises of a dealer in nursery stock, any plant having a plant disease. R.S.O. 1960, c. 297, s. 2.

Sale, etc.,
of diseased
plants

3.—(1) No person shall operate a nursery without a licence therefor from the Minister.

Nursery
licence

(2) No person shall be a dealer in nursery stock, other than a person licensed to operate a nursery, without a licence therefor from the Minister. R.S.O. 1960, c. 297, s. 3.

Dealer in
nursery
stock,
licence

Director,
Provincial
Entomolo-
gist and
inspectors

4. The Lieutenant Governor in Council may appoint a Director to administer and enforce this Act and may appoint a Provincial Entomologist and one or more inspectors who shall carry out such duties as are assigned to them by this Act or by the regulations or the Director. R.S.O. 1960, c. 297, s. 4.

Municipal
by-laws

5.—(1) The council of any municipality may by by-law designate any disease or injury of plants, whether or not designated a plant disease in the regulations, and the by-law shall,

- (a) appoint one or more municipal inspectors to enforce this Act, the regulations and the by-law in the municipality with respect to every plant disease and disease of plants designated therein;
- (b) fix the remuneration to be paid to municipal inspectors; and
- (c) provide for the control or eradication of any disease of plants designated therein.

Approval of
by-laws

(2) No by-law passed under subsection 1 takes effect until it is approved by the Minister.

Powers and
duties of
municipal
inspectors

(3) Every municipal inspector shall, under the direction of the Provincial Entomologist, carry out in the municipality the provisions of this Act, any by-law passed under subsection 1 and the regulations.

Diseases
designated
in by-law
deemed
plant
diseases

(4) For the purposes of sections 6 and 7, a disease of plants that is not designated a plant disease in the regulations and for the control or eradication of which a by-law has been passed under subsection 1 shall be deemed to be a plant disease within the municipality that passed the by-law.

Payment of
costs

(5) Where a by-law passed under subsection 1 provides for the treatment or destruction by the municipality of any plants located on property that is not owned by or in the possession of the municipality, the municipality may pay any expenses incurred in the treatment or destruction of the plants out of the general funds of the municipality. 1966, c. 117, s. 2 (1).

Power of
entry

6.—(1) An inspector may, between sunrise and sunset, for the purpose of making an inspection,

- (a) enter any nursery or premises of a dealer in nursery stock;
- (b) enter any vehicle owned or operated by or for the owner of a nursery or a dealer in nursery stock;
- (c) enter any farm, garden, orchard or building in or on which he has reason to believe there are plants;

- (d) enter any premises in which plants are processed and any premises used in connection therewith and in or on which he has reason to believe there are plants having a plant disease or any containers infested with the causal organisms of any plant disease. R.S.O. 1960, c. 297, s. 6.

(2) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information. 1966, c. 117, s. 3. Obstruction of inspector

7.—(1) Where an inspector finds a plant disease or any causal organisms of a plant disease in or on any premises or vehicle, he may order the owner, occupier or person in charge of the premises or vehicle, Disinfection of diseased plants, etc.

(a) to disinfect any plants, land, building, vehicle or container; or

(b) to treat or destroy any plants,

in such manner and within such period of time as the order requires.

(2) Where an inspector finds any causal organisms of a plant disease in the soil of any premises, he may order that the owner or occupier of the premises shall not grow for such period of time as the order requires such species of plants as may become infected by such causal organisms. Prohibition to grow certain plants

(3) Every order under this section shall be in writing and delivered to the owner, occupier or person in charge of the premises or vehicle by an inspector or sent by prepaid mail to his last or usual place of residence. R.S.O. 1960, c. 297, s. 7. Order

8.—(1) Where the owner, occupier or person in charge of any premises or vehicle deems himself aggrieved by an order of an inspector, he may within five days of the receipt of the order appeal against the order by notice to the Provincial Entomologist. Appeal

(2) Upon receipt of a notice of appeal, the Provincial Entomologist shall confirm, revoke or modify the order appealed against and shall notify the appellant of his decision by prepaid mail and the appellant shall carry out such order as is given by the Provincial Entomologist in his decision. R.S.O. 1960, c. 297, s. 8. Idem

9.—(1) Except as provided in subsection 2, every person who contravenes any of the provisions of this Act or any by-law passed under subsection 1 of section 5 or the regulations or any order of an inspector or the Provincial Entomologist is guilty of an offence Offences

and on summary conviction is liable, for a first offence, to a fine of not more than \$50 and, for any subsequent offence, to a fine of not less than \$25 and not more than \$200 or to imprisonment for a term of not more than thirty days.

Idem (2) Every person who contravenes any provision of subsection 2 of section 6 is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not less than \$100 and, for any subsequent offence, to a fine of not less than \$200. 1966, c. 117, s. 4.

Regulations **10.** The Lieutenant Governor in Council may make regulations,

- (a) designating plant diseases within the meaning of this Act;
 - (b) prescribing the duties of the Provincial Entomologist and of inspectors;
 - (c) providing for the issue of licences to operate nurseries and to dealers in nursery stock, and prescribing the term thereof and the fees to be paid therefor;
 - (d) providing for the establishment of plant disease control areas;
 - (e) providing for the control or eradication of any plant disease in any plant disease control area or in any other area;
 - (f) providing for the issue of certificates as to the freedom from any plant disease of any plants grown in any nursery, farm, garden, orchard or other place or kept on any premises of a dealer in nursery stock;
 - (g) providing for the making of grants by the Minister out of the moneys that are appropriated therefor by the Legislature so as to reimburse any municipality to such extent as is designated for any expense it has been put to under this Act;
 - (h) prescribing forms and providing for their use;
 - (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 297, s. 10.
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CHAPTER 351

The Police Act

1. In this Act,

Interpre-
tation

- (a) “association” means an association limited to one police force and having among its objects the improvement of conditions of service or remuneration of the members of that force;
- (b) “board” means a board of commissioners of police;
- (c) “Commission” means the Ontario Police Commission;
- (d) “Commissioner” means the Commissioner of the Ontario Provincial Police Force;
- (e) “Minister” means the Minister of Justice and Attorney General;
- (f) “regulations” means the regulations made under this Act. R.S.O. 1960, c. 298, s. 1; 1961-62, c. 105, s. 1; 1964, c. 92, s. 1, *amended*.

PART I

DIVISION OF RESPONSIBILITY

2.—(1) Every city and town is responsible for the policing of and maintenance of law and order in the municipality and for providing and maintaining an adequate police force in accordance with the police needs of the municipality. R.S.O. 1960, c. 298, s. 2 (1). Policing
in cities
and towns

(2) The Lieutenant Governor in Council may exempt any town having a population of less than 5,000 according to the last municipal census from the application of subsection 1, and such exemption continues in effect until it is revoked. 1967, c. 76, s. 1. Exemption
of towns
of less
than 5,000

(3) Where in special circumstances a municipal police force, in the opinion of the Commission, is not capable of providing adequate policing for any part of the area for which it is responsible, the Minister may authorize the Ontario Provincial Police Force to police such part for such period and on such terms and conditions as the Minister may prescribe. 1968, c. 97, s. 1. Assistance
by Ontario
Provincial
Police Force

Policing
in villages
and
townships

(4) Every village and township which, or any part of which, has a density of population and real property assessment sufficient to warrant the maintenance of a police force and which has been so designated by the Lieutenant Governor in Council upon the recommendation of the Minister is, with regard to the municipality or part thereof, as the case may be, responsible for the policing and maintenance of law and order and for providing and maintaining an adequate police force in accordance with the police needs of the municipality or part thereof. R.S.O. 1960, c. 298, s. 2 (2); 1964, c. 92, s. 2.

Special
circum-
stances

(5) Where by reason of the establishment of any enterprise or because for any other reason special circumstances or abnormal conditions exist in any area that in the opinion of the Minister would render it inequitable that the responsibility for policing should be imposed on any municipality or on the Province, the Lieutenant Governor in Council may designate such area a special area and may require any company operating such enterprise or being the owner of such area to enter into an agreement under section 62, for the policing of such area. R.S.O. 1960, c. 298, s. 2 (3).

Responsi-
bility of
Ontario
Provincial
Police Force

3.—(1) The Ontario Provincial Police Force is responsible for policing all that part of Ontario that is not in a municipality or part of a municipality referred to in section 2, but the Ontario Provincial Police Force is not responsible for policing any part of Ontario in which a municipal police force is maintained. R.S.O. 1960, c. 298, s. 3 (1).

Idem

(2) For the purpose of subsection 1, municipal law enforcement officers shall not be deemed to be a municipal police force. 1967, c. 76, s. 2.

Additional
duties of
Ontario
Provincial
Police Force

(3) The Ontario Provincial Police Force, in addition to performing the policing services prescribed in subsection 1, shall,

- (a) maintain a traffic patrol,
 - (i) on the King's Highway, except such portions thereof as are designated by the Minister, and
 - (ii) on such connecting links, within the meaning of *The Highway Improvement Act*, as are designated by the Minister;
- (b) subject to any agreement in force under *The Liquor Licence Act*, enforce *The Liquor Licence Act*, *The Liquor Control Act* and the regulations thereunder and any other laws designated by the Minister; and
- (c) maintain a criminal investigation branch which shall be used to assist municipal police forces on the direction of the Minister or at the request of the Crown attorney. R.S.O. 1960, c. 298, s. 3 (2); 1968, c. 97, s. 2.

R.S.O. 1970,
c. 201

R.S.O. 1970,
cc. 250, 249

4.—(1) The obligation of a municipality to provide and maintain a police force may be discharged, Methods of establishing municipal police forces

(a) by the appointment of the members of the police force by the board of commissioners of police under section 15,

(b) by the appointment of the members of the police force by the council under section 20, or

(c) by entering into an agreement under section 61 or 62,

and not otherwise.

(2) Members appointed under clause *a* or *b* of subsection 1 shall be paid directly by the municipal council of the municipality for which they are appointed. Municipality to provide own policing

(3) In exceptional cases, the Commission may approve of a system of policing that does not comply with this section. 1964, c. 92, s. 3. Exceptions with approval of Commission

5. Where the Commission finds that a municipality mentioned in section 2 does not maintain a police force and is not provided with police services pursuant to an agreement under section 61 or 62, the Commission may request the Commissioner to secure the proper policing of the municipality by the Ontario Provincial Police Force, and the cost thereof shall be charged to the municipality and may be deducted from any grant payable out of provincial funds to the municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to Her Majesty. 1961-62, c. 105, s. 2, *part*; 1964, c. 92, s. 4. Failure to provide police

6.—(1) Where the Commission finds that a municipality mentioned in section 2, or any other municipality that maintains its own police force, is not providing or maintaining an adequate police force or not complying with this Act or the regulations, it may communicate with the clerk of the municipality and, where there is a board, the board, indicating that the police force is not adequate or that the provisions of this Act or the regulations are not being complied with and requesting the council of the municipality and, where there is a board, the board, to take such steps as the Commission considers necessary. 1964, c. 92, s. 5 (1); 1967, c. 76, s. 3 (1). Failure to provide adequate policing or to comply with Act or regulations

(2) Where the council or the board neglects to comply with a request made under subsection 1, the Commission may request the Commissioner to secure the proper policing of the municipality by the Ontario Provincial Police Force, and the cost thereof shall be charged to the municipality and may be deducted from any grant payable out of provincial funds to the municipality or may be recovered with costs by action in any court of competent Action by Commissioner

jurisdiction as a debt due to Her Majesty. 1961-62, c. 105, s. 2, *part*; 1964, c. 92, s. 5 (2); 1967, c. 76, s. 3. (2).

Where
company
fails to enter
into agree-
ment

7. Where an area has been designated under subsection 5 of section 2 and the company required to enter into an agreement under section 62 refuses or neglects to enter into an agreement, the Ontario Provincial Police Force shall police the area and the cost thereof may be recovered with costs from the company by action in any court of competent jurisdiction as a debt due to Her Majesty. R.S.O. 1960, c. 298, s. 6.

PART II

MUNICIPAL POLICE FORCES

Creation
of board

8.—(1) Notwithstanding any special Act, every municipality that provides and maintains a police force and that has a population of more than 15,000 according to the last municipal census shall have a board, and,

- (a) any county or town having a population of 15,000 or less according to the last revised assessment roll;
- (b) any village or township having a population of more than 5,000 and not more than 15,000 according to the last revised assessment roll; and
- (c) with the consent of the Minister, any village or township having a population of 5,000 or less according to the last revised assessment roll,

that provides and maintains a police force may, by by-law, constitute a board. 1965, c. 99, s. 2; 1967, c. 76, s. 4 (1).

Board, how
composed

(2) The board, except as provided in subsection 3, shall consist of,

- (a) the head of the council;
- (b) a judge of any county or district court designated by the Lieutenant Governor in Council; and
- (c) such person as the Lieutenant Governor in Council may designate. R.S.O. 1960, c. 298, s. 7 (2).

Vacancies

(3) Where a vacancy occurs on the board by reason of the death of a member designated by the Lieutenant Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Minister may in writing appoint some other judge or person, as the case may be, to act as a member of the board for a period of six months from the date of such appointment, unless the Lieutenant Governor in Council sooner appoints another member. R.S.O. 1960, c. 298, s. 7 (3); 1964, c. 92, s. 6.

(4) The council shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations, to the members of the board designated by the Lieutenant Governor in Council or appointed by the Minister and may provide for the payment of an allowance to the head of the council. R.S.O. 1960, c. 298, s. 7, (4). Remuneration

(5) A board may contract and may sue and be sued in its own name, and the members thereof are not personally liable upon any contract made by the board. 1967, c. 76, s. 4 (2). Powers to contract and sue

9.—(1) Notwithstanding any special Act, any two or more municipalities having a combined population of more than 5,000 according to their last revised assessment rolls may, if authorized so to do by by-law of their respective councils, by agreement constitute a board. R.S.O. 1960, c. 298, s. 8 (1); 1962-63, c. 106, s. 1. Joint boards, establishment

(2) A joint board established under subsection 1 shall consist of, Composition

- (a) the head of the council of each of the municipalities;
- (b) such judge and such other persons as the Lieutenant Governor in Council may designate. R.S.O. 1960, c. 298, s. 8 (2); 1965, c. 99, s. 3.

(3) All other provisions of this Act applicable to boards apply *mutatis mutandis* to boards established under this section. R.S.O. 1960, c. 298, s. 8 (4). Application of other provisions of Act

10.—(1) The board shall in each year hold such meetings as are prescribed by the regulations and shall at its first meeting in each year elect a chairman. Meetings

(2) A majority of the members of the board constitutes a quorum. Quorum

(3) The meetings of the board shall be open to the public unless otherwise directed by the board. R.S.O. 1960, c. 298, s. 9. Meetings open to public

11.—(1) The by-law of a village, township, county or town constituting a board may, with the consent of the Minister, be repealed and, if so repealed, the board is dissolved on the 1st day of January next after the passing of the repealing by-law. Repeal of by-law

(2) Where a board is constituted under section 9, the by-laws of the municipalities constituting the board may, with the consent of the Minister, be repealed and, if so repealed, the board is dissolved on the 1st day of January next after the passing of the repealing by-law. R.S.O. 1960, c. 298, s. 10. Idem, joint boards

By-law

12.—(1) A by-law of a board is sufficiently authenticated if signed by its chairman or acting chairman, and a by-law purporting to be so signed shall be received in evidence in all courts without proof of the signature.

Certified
copy of
by-law

(2) A copy of a by-law purporting to be certified by a member of the board to be a true copy shall be received in evidence in all courts without proof of the signature. R.S.O. 1960, c. 298, s. 11.

Board to
summon
witnesses

13. A board has the same power to summon and examine witnesses on oath as to any matter connected with the execution of its duties, to enforce their attendance, and to compel them to give evidence, as is vested in any court of law in civil cases. R.S.O. 1960, c. 298, s. 12.

Composition
of police
force

14.—(1) Subject to subsection 3 and to clause *g* of section 41, the police force in a municipality having a board shall consist of a chief of police and such other police officers and such constables, assistants and civilian employees as the board considers adequate, and shall be provided with such accommodation, arms, equipment, clothing and other things as the board considers adequate. 1965, c. 99, s. 4, *part*; 1966, c. 118, s. 2 (1).

Estimates

(2) Every board shall, on or before the 1st day of March in each year, prepare and submit to the council or each council responsible for maintaining the force, for its consideration and approval its estimates of all moneys required for the year to pay the remuneration of the members of the police force and to provide and pay for the accommodation, arms, equipment and other things for the use and maintenance of the force. 1965, c. 99, s. 4, *part*; 1966, c. 118, s. 2 (2).

Appeal to
Commission

(3) Where the council does not agree with the board on the estimates or on the adequacy of the number of members of the police force or the accommodation, arms, equipment or other things for the use and maintenance of the force, the Commission shall determine the question after a hearing. 1965, c. 99, s. 4, *part*.

Appointment

15. The members of the police force in a municipality having a board shall be appointed by the board. R.S.O. 1960, c. 298, s. 14.

Regulations
by board

16. A board may by by-law make regulations not inconsistent with the regulations under section 72 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. R.S.O. 1960, c. 298, s. 15.

Police force
subject to
board

17.—(1) Notwithstanding section 2, the board is responsible for the policing and maintenance of law and order in the municipality and the members of the police force are subject to the government of the board and shall obey its lawful directions.

(2) Every member of the police force of a municipality, Idem however appointed, are, from and after the passing of a by-law establishing a board, subject to the government of the board to the same extent as if appointed by the board. R.S.O. 1960, c. 298, s. 16.

18.—(1) Where any motor vehicle, bicycle or any personal property of any kind is in the possession of the board or a member of the police force by reason of having been stolen from its owner or by reason of having been found abandoned in a public place and the board or, where there is no board, the chief of police is unable to ascertain its owner, the board or, where there is no board, the council may cause it to be sold or otherwise disposed of as hereinafter set forth and, subject to subsection 3, may retain to its own use the proceeds of such sale or disposition. R.S.O. 1960, c. 298, s. 17 (1); 1966, c. 118, s. 3 (1). Sale of stolen and abandoned property

(2) Where such property is perishable, the sale or disposition of it may be made at any time without notice of any kind, and, where such property is not perishable, the board or, where there is no board, the council may, Procedure for sale

- (a) in the case of property, other than motor vehicles or bicycles, after the expiration of three months from the time it came into possession of the board or member of the police force; or
- (b) in the case of motor vehicles or bicycles, after the expiration of one month from the time it came into possession of the board or member of the police force,

sell it by public auction after at least ten days notice of the time and place of holding such auction has been given by publication once in a newspaper published in the municipality, and any such sale may be adjourned from time to time until the property is sold. R.S.O. 1960, c. 298, s. 17 (2); 1966, c. 118, s. 3 (2).

(3) Where a motor vehicle or bicycle is sold under subsection 2 before the expiration of three months, the owner thereof may, at any time before the three months expire, claim the proceeds of the sale, less the costs of advertising and sale. Proceeds of sale

(4) This section is subject to *The Highway Traffic Act*. R.S.O. 1960, c. 298, s. 17 (3, 4). R.S.O. 1970, c. 202, paramount

19.—(1) Any county, township or village not required to establish a police force under section 2 may, with the approval of the Commission, establish or maintain a police force. 1965, c. 99, s. 5, *part*; 1967, c. 76, s. 5 (1). Municipalities that may have own police forces

(2) The approval of the Commission to maintain a police force established before the 22nd day of June, 1965, and maintained on Approvals of existing forces

the 15th day of June, 1967 shall be deemed to have been given. 1967, c. 76, s. 5 (2), *part, amended*.

Revocation
of approvals

(3) The Commission may revoke an approval given under subsection 1 or 2 at any time. 1967, c. 76, s. 5 (2), *part*.

Appoint-
ment of
members
where no
board

20.—(1) Where a municipality that has established a police force does not have a board, the council shall appoint the members of the police force.

Composition
of police
force

(2) Subject to clause *g* of section 41, the members of a police force referred to in subsection 1 shall consist of one or more constables and such other police officers, assistants and civilian employees as the council considers adequate, and the council shall provide and pay for such accommodation, arms, equipment, clothing and other things as the council considers adequate. 1965, c. 99, s. 5.

Idem

(3) Where a police force has two or more constables, the council may appoint one constable to be chief of police. 1965, c. 99, s. 5, *part*; 1966, c. 118, s. 4.

Police
village

21. The trustees of a police village may, with the approval of the Commission, establish a police force, and where they do so the trustees shall carry out the duties of a council under section 20, and section 20 applies *mutatis mutandis*. 1965, c. 99, s. 5, *part*.

Rates for
cost of
policing

22.—(1) Subject to the approval of the Commission, the cost incurred by a municipality in maintaining its own police force or by reason of an agreement under section 61 or 62 may, if the council considers it proper, be paid by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only.

Farm lands
and
buildings

(2) Subject to the approval of the Commission, the council may grant entire or partial exemption from any rate or rates levied under subsection 1 to lands and buildings used exclusively for farming purposes. 1967, c. 76, s. 6.

Employees
deemed
members

23.—(1) Every person employed in a police force shall be deemed to be a member thereof. 1965, c. 99, s. 6 (1), *part*.

Determina-
tion by
Commission

(2) Where a question arises as to whether or not any person is a member or senior officer of a police force for the purposes of any provision of this Act, the Commission shall, upon the application of any person affected and after a hearing, determine the question, and the decision of the Commission is final. 1968, c. 97, s. 3; 1968-69, c. 96, s. 1.

Liability
for torts

24.—(1) The chief of police is liable in respect of torts committed by members of the police force under his direction and

control in the performance or purported performance of their duties in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in respect of any such torts be treated for all purposes as a joint tortfeasor. 1965, c. 99, s. 6 (1), *part*; 1966, c. 118, s. 5 (1).

(2) Where a chief of police is liable in respect of a tort committed by him in the performance or purported performance of his duties, he is also liable and may be sued separately in his capacity as chief of police for the purposes of subsection 4. 1965, c. 99, s. 6 (1), *part*; 1966, c. 118, s. 5 (2). Torts of
chief
of police

(3) Where the office of chief of police is vacant or where there is no chief of police, the chairman of the board or, where there is no board, the head of the council shall be deemed to be the chief of police for the purposes of this section. 1966, c. 118, s. 5 (3). Where
office of
chief of
police
vacant

- (4) The municipality shall pay, Payment
by munici-
pality
- (a) any damages or costs awarded against the chief of police in any proceeding brought against him by virtue of this section and any costs incurred by him in any such proceeding so far as not recovered by him in the proceedings; and
 - (b) subject to the approval of the council, any sum required in connection with the settlement of any claim made against the chief of police by virtue of this section. 1965, c. 99, s. 6 (1), *part*; 1966, c. 118, s. 5 (4, 5); 1967, c. 76, s. 7.

(5) Where damages and costs are awarded under this section in respect of the tort of a member of an amalgamated police force, each municipality participating in the amalgamation is jointly and severally liable for the damages and costs referred to in subsection 4. 1966, c. 118, s. 5 (6). Payment
where
amalgamated
force

(6) The council of a municipality may, in such cases and to such extent as it thinks fit, pay any damages or costs awarded against a member of the police force maintained by them or any special constable in any civil or criminal proceeding brought against him, any costs incurred and not recovered by him in any such proceeding, and any sum required in connection with the settlement of any claim that has or might have given rise to such proceeding. 1965, c. 99, s. 6 (1), *part*; 1966, c. 118, s. 5 (7). Indemnify-
ing police
officers

(7) This section does not apply in respect of acts of members of police forces occurring before the 1st day of January, 1966. 1965, c. 99, s. 6 (2), *amended*. Application
of section

25. The council of a municipality may grant pecuniary aid or other assistance to the widows and children of members of the police force who are killed or die from injuries received, or from Aid to
widows and
children in
certain cases

illness contracted in the discharge of their duties. R.S.O. 1960, c. 298, s. 25.

AMALGAMATIONS

Amalgama-
tions of
police forces

26.—(1) Notwithstanding any other Act, two or more municipalities having police forces may enter into an agreement for the amalgamation of their police forces, and the agreement shall not take effect until it is approved by the Commission.

Agreement

(2) An agreement under subsection 1 shall provide for,

- (a) the establishment and composition of a board for the amalgamated police forces;
- (b) the amalgamation of the police forces into one police force for the amalgamated area and the appointment or transfer of the members thereof;
- (c) the use and disposition of the assets and liabilities of the component police forces by the amalgamated board;
- (d) the budgeting of the cost for the maintenance and operation of the amalgamated police force;
- (e) any other matter necessary or advisable for the purpose of effecting the amalgamation of the police forces. 1965, c. 99, s. 7, *part*.

Approval
of police
force of
amalgamated
municipality

27.—(1) Where two or more municipalities are amalgamated, the amalgamation of the police forces shall not take effect until the organization of the amalgamated police force has been approved by the Commission. 1965, c. 99, s. 7, *part*.

Appoint-
ment of
board

(2) Any appointments to the board for a proposed amalgamated municipality may be made before the amalgamation takes effect. 1966, c. 118, s. 7.

BARGAINING AND ARBITRATION

Membership
in trade
union for-
bidden

28. A member of a police force shall not remain or become a member of any trade union or of any organization that is affiliated directly or indirectly with a trade union. R.S.O. 1960, c. 298, s. 26.

Bargaining

29.—(1) When requested in writing by a majority of the members of the police force, the council of the municipality, or, where there is a board, the board, shall within sixty days after receipt of the request bargain in good faith with a bargaining committee of the members of the police force, and shall make every reasonable effort to come to an agreement for the purpose of making an agreement in writing defining, determining and providing for remuneration, pensions, sick leave credit gratuities,

grievance procedures or working conditions of the members of the police force, other than the chief of police and any deputy chief of police, except such working conditions as are governed by a regulation made by the Lieutenant Governor in Council under this Act. 1964, c. 92, s. 8 (1); 1966, c. 118, s. 8; 1968, c. 97, s. 4 (1).

(2) Where not less than 50 per cent of the members of the police force belong to an association, any request made under subsection 1 shall be made by the association. R.S.O. 1960, c. 298, s. 27 (2); 1968, c. 97, s. 4 (2). Association

(3) In every case the members of a bargaining committee shall be members of the police force, but, where, Affiliated body

(a) the association is affiliated with a police organization; or

(b) not less than 50 per cent of the members of the police force belong to a police organization,

at all meetings held with the council of the municipality or a committee thereof, or the board, as the case may be, for the purpose of bargaining, the bargaining committee may be accompanied by one member of such organization who is actively engaged in the occupation of a police officer and who shall attend in an advisory capacity only. R.S.O. 1960, c. 298, s. 27 (3); 1968, c. 97, s. 4 (3, 4).

(4) In addition to the person mentioned in subsection 3, a bargaining committee may be accompanied by one legal counsel and one other adviser and the council or committee thereof or the board, as the case may be, may be accompanied by one legal counsel and one other adviser. 1968, c. 97, s. 4 (5). Counsel

(5) When the request involves pensions under a pension plan established or to be established under *The Municipal Act*, notice of such request shall be given to the Department of Municipal Affairs which may determine the maximum pension benefits that may be included in any agreement, decision or award with respect to such pension plan. R.S.O. 1960, c. 298, s. 27 (4). Pension plans under R.S.O. 1970, c. 284

30.—(1) In this section, “senior officer” means a member of a police force of the rank of inspector or higher or a civilian employee employed in a supervisory or confidential capacity, but does not include a chief of police or deputy chief of police. Senior officer defined

(2) Where not fewer than 50 per cent of the senior officers of a police force are members of an association composed only of senior officers, section 29 applies, and, Separate bargaining by senior officers

(a) where the police force has ten or more senior officers, section 31 applies; and

(b) where the police force has fewer than ten senior officers, section 32 applies,

to the senior officers of the police force and to the association in the same manner as to the members of the police force and their association.

Idem

(3) Where subsection 2 applies, the senior officers of the police force shall not be included as members of the police force for the purposes of sections 29, 31 and 32. 1968-69, c. 96, s. 2.

Board of
arbitration

31.—(1) Except in the case of a police force having fewer than twenty members, where after bargaining under section 29 the council of the municipality or, where there is a board, the board, or the members of the police force, or, where there is a bargaining committee, the bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of three members in which case the parties shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed. R.S.O. 1960, c. 298, s. 28 (1); 1967, c. 76, s. 8.

Failure to
appoint
member

(2) Where either party fails to appoint a member of the board of arbitration within thirty days or, having appointed a person who is unable or unwilling to act, fails to appoint another member within thirty days, the Minister may, upon the written request of the other party, appoint a member in lieu thereof. R.S.O. 1960, c. 298, s. 28 (2), *amended*.

Failure
to appoint
chairman

(3) Where the two members of the board of arbitration appointed under subsections 1 and 2 fail, within five days of the appointment of the one last appointed, to appoint a third member, the Lieutenant Governor in Council may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member who shall not be a member of a board. 1968-69, c. 96, s. 3.

Decision of
board of
arbitration

(4) Where upon an arbitration a majority of the members of the board of arbitration fail to agree upon any matter, the decision of the chairman upon such matter shall be deemed to be the decision of the board. R.S.O. 1960, c. 298, s. 28 (4).

Costs

(5) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally, except that, where the third arbitrator is appointed by the Minister, the cost of the third arbitrator shall be paid by Ontario. R.S.O. 1960, c. 298, s. 28 (5); 1968, c. 97, s. 5 (2), *amended*.

Arbitrator

32.—(1) In the case of a police force having fewer than twenty members, where after bargaining under section 29 the council of the municipality or, where there is a board, the board, or the

bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a single arbitrator who shall be appointed by the parties. R.S.O. 1960, c. 298, s. 29 (1); 1967, c. 76, s. 9.

(2) Where the parties fail to appoint an arbitrator within thirty days after receipt of the notice mentioned in subsection 1, the Lieutenant Governor in Council may, upon the written request of either of the parties, appoint the arbitrator who shall not be a member of a board. R.S.O. 1960, c. 298, s. 29 (2); 1968-69, c. 96, s. 4.

Failure to
appoint
arbitrator

(3) The parties shall share equally the cost of the arbitration proceedings and the cost of the arbitrator except that, where the arbitrator is appointed by the Minister, the cost of the arbitrator shall be paid by Ontario. R.S.O. 1960, c. 298, s. 29 (3); 1968, c. 97, s. 6.

Costs

33. The board of arbitration or arbitrator, as the case may be, shall commence the arbitration proceedings within thirty days after it is constituted or he is appointed and shall deliver the decision or award within sixty days after the commencement of the arbitration proceedings. R.S.O. 1960, c. 298, s. 30.

Commence-
ment and
termination
of arbitra-
tion
proceedings

34. Any period mentioned in section 29, 31, 32, 33 or 35 may be extended by agreement of the parties. 1964, c. 92, s. 9.

Extension
of period
mentioned
in ss. 29,
31-33 or 35

35.—(1) Where,

Determination
of disputes

- (a) a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 29, or of a decision or award of an arbitrator or board of arbitration made under section 31 or 32; or
- (b) an allegation is made that the agreement or award has been violated,

either of the parties may, notwithstanding any grievance or arbitration procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to an arbitrator and, if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Minister upon the request of either party, and the arbitrator shall commence to hear and determine the difference within thirty days after his appointment and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties. 1968-69, c. 96, s. 5 (1), *part, amended*.

Costs

(2) Each party to an arbitration under subsection 1 shall share equally the cost of the arbitration proceedings and the cost of the arbitrator. 1968-69, c. 96, s. 5 (1), *part*.

Enforce-
ment

(3) The arbitrator may, and, at the request of either of the parties, shall, after the expiration of thirty days from the date of the delivery of the decision, or of the date provided in the decision for compliance, whichever is the later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the form prescribed by the regulations, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such. 1968, c. 97, s. 7, *part*; 1968-69, c. 96, s. 5 (2).

Effect of
agreement
or award

36.—(1) Every agreement made under section 29 and every decision or award of a majority of the members of a board of arbitration under section 31 or of an arbitrator under section 32 or of the arbitrator under section 35 is binding upon the council of the municipality, the board, where there is a board, and the members of the police force, other than the chief of police and any deputy chief of police. R.S.O. 1960, c. 298, s. 33 (1); 1966, c. 118, s. 9; 1968, c. 97, s. 8; 1968-69, c. 96, s. 6.

Duration of
agreements,
etc.

(2) Every agreement, decision or award remains in effect until the end of the year in which it comes into effect and thereafter remains in effect until replaced by a new agreement, decision or award.

Idem

(3) Notwithstanding subsection 2, the parties to an agreement may provide therein or at any time before a decision or award is made with respect thereto that the agreement and any such decision or award shall remain in effect until the end of the year next following the year in which it comes into effect, in which case it remains in effect for such period and thereafter remains in effect until replaced by a new agreement, decision or award.

New agree-
ments, etc.

(4) Either party to collective bargaining that has resulted in an agreement, decision or award may proceed under sections 29, 30, 31 and 32 at any time for a new agreement, decision or award. R.S.O. 1960, c. 298, s. 33 (2-4).

Effect of
agreement,
decision or
award

37.—(1) An agreement, decision or award takes effect upon the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures incurred in the agreement, decision or award, whether such day is before or after the date of the agreement, decision or award, unless another day is named in the agreement, decision or award in lieu thereof.

Idem

(2) Where, pursuant to subsection 1, another day is named in an agreement, decision or award as the day upon which the

agreement, decision or award is to take effect and such day is prior to the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures involved in the agreement, decision or award, any of the provisions involving expenses shall, notwithstanding the naming of such day, take effect from the first day of such fiscal period. R.S.O. 1960, c. 298, s. 34.

38. Where a request in writing is made under subsection 1 of section 29 during a year ending with the 31st day of December and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following, the council shall make such provision as in its opinion is adequate for the payment of any expenditure resulting from such agreement, decision or award. R.S.O. 1960, c. 298, s. 35; 1962-63, c. 106, s. 2; 1964, c. 92, s. 11.

Provision
for
expenditure

39. *The Arbitrations Act* does not apply to an arbitration under section 29, 31 or 32. 1968, c. 97, s. 9.

Applica-
tion of
R.S.O. 1970,
c. 25

PART III

ONTARIO POLICE COMMISSION

40.—(1) There shall be an Ontario Police Commission composed of three persons who shall be appointed by the Lieutenant Governor in Council.

Ontario
Police
Commission

(2) The Lieutenant Governor in Council may designate one of the members of the Commission to be chairman.

Chairman

(3) When a vacancy occurs on the Commission from any cause, the vacancy may be filled by the Lieutenant Governor in Council.

Vacancies

(4) Two members of the Commission constitute a quorum whether or not a vacancy exists in the membership of the Commission.

Quorum

(5) The Commission shall in each year hold such meetings as it considers appropriate and the meetings shall be open to the public unless otherwise directed by the Commission. 1961-62, c. 105, s. 6, *part*.

Meetings

(6) All orders, consents, certificates and other documents issued or made by the Commission shall be signed by the chairman or any member of the Commission, and, when purporting to be so signed, shall be judicially noticed without further proof. 1968, c. 97, s. 11.

Signing of
orders,
etc.

Annual
report

(7) The Commission shall, after the close of each calendar year, file with the Minister an annual report upon the affairs of the Commission, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Expenses,
how paid

(8) The moneys required for the purposes of the Commission shall be paid out of the moneys appropriated by the Legislature for the purpose. 1961-62, c. 105, s. 6, *part, amended*.

Functions
of
Commission

41.—(1) It is the function of the Commission,

- (a) to maintain a system of statistical records and research studies of criminal occurrences and matters related thereto for the purpose of aiding the police forces in Ontario;
- (b) to consult with and advise boards of commissioners of police, police committees of municipal councils and other police authorities and chiefs of police on all matters relating to police and policing;
- (c) to provide to boards of commissioners of police, police committees of municipal councils and other police authorities and chiefs of police information and advice respecting the management and operation of police forces, techniques in handling special problems and other information calculated to assist;
- (d) through its members and advisers, to conduct a system of visits to the police forces in Ontario;
- (e) to require municipalities to provide such lock-ups as the Commission may determine;
- (f) to assist in co-ordinating the work and efforts of the police forces in Ontario;
- (g) to determine whether a police force is adequate and whether a municipality is discharging its responsibility for the maintenance of law and order;
- (h) to inquire into any matter regarding the designation of a village or township under subsection 4 of section 2 and, after a hearing, to make recommendations therefor to the Minister;
- (i) to operate the Ontario Police College;
- (j) subject to the approval of the Minister, to establish and require the installation of an inter-communication system for the police forces in Ontario and to govern its operation and procedures;
- (k) to conduct investigations in accordance with the provisions of this Act;

- (l) to hear and dispose of appeals by members of police forces in accordance with this Act and the regulations; and
- (m) to exercise the powers and perform the duties conferred and imposed upon it by this Act. 1962-63, c. 106, s. 4; 1964, c. 92, s. 12; 1965, c. 99, s. 8; 1966, c. 118, s. 11, *amended*.

(2) Subject to the approval of the Minister, the Commission may, by order, regulate or prohibit the use of any equipment by a police force in Ontario or its members. 1968-69, c. 96, s. 7. Equipment

PART IV

ONTARIO PROVINCIAL POLICE FORCE

42.—(1) There shall be a Commissioner of the Ontario Provincial Police Force who shall be appointed by the Lieutenant Governor in Council. 1961-62, c. 105, s. 7, *part*. Commissioner

(2) Subject to the direction of the Ontario Police Commission as approved by the Minister, the Commissioner has the general control and administration of the Ontario Provincial Police Force and the employees connected therewith. 1961-62, c. 105, s. 7, *part*; 1962-63, c. 106, s. 5. Powers and duties

(3) The Commission, the Commissioner or a deputy commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any employee connected therewith and upon such inquiry it or he has and may exercise all the powers and authority that may be conferred upon a person appointed under *The Public Inquiries Act*. 1961-62, c. 105, s. 7, *part*. Investigations
R.S.O. 1970, c. 379

43.—(1) Unless otherwise provided by order in council, the Commissioner is *ex officio* a provincial judge for the Province of Ontario and he has and may exercise and perform the powers and duties of a provincial judge, and may take informations and issue warrants or summonses in any city, town, county, provisional county or provisional judicial district or other locality in Ontario, and may make the same returnable in the city, town, county, provisional county, provisional judicial district or other locality in which the offence charged is alleged to have been committed. Commissioner to be *ex officio* provincial judge

(2) The jurisdiction conferred by subsection 1 may be exercised by the Commissioner notwithstanding that there is in the locality in which he acts a provincial judge who, under *The Provincial Courts Act* or any other statute, has jurisdiction, exclusive or otherwise. R.S.O. 1960, c. 298, s. 41, *amended*. Exercise of jurisdiction
R.S.O. 1970, c. 369

Annual
report

44. The Commissioner shall, after the close of each calendar year, file with the Minister an annual report upon the affairs of the Ontario Provincial Police Force, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1962-63, c. 106, s. 6.

O.P.P.

45.—(1) The Ontario Provincial Police Force shall consist of the Commissioner and such other officers and other ranks as are appointed.

Employees

(2) There may be appointed such employees as are required in connection with the Force.

Officers

(3) The Lieutenant Governor in Council may,

(a) appoint persons to be officers; and

(b) authorize the issue of a commission under the Great Seal to an officer upon his first appointment to the rank of an officer. 1964, c. 92, s. 13.

Duties of
members
of Force

46.—(1) It is the duty of the members of the Ontario Provincial Police Force, subject to this Act and the orders of the Commissioner,

(a) to perform all duties that are assigned to constables in relation to the preservation of the peace, the prevention of crime and of offences against the laws in force in Ontario and the criminal laws of Canada and the apprehension of criminals and offenders and others who may be lawfully taken into custody;

(b) to execute all warrants, perform all duties and services thereunder or in relation thereto that may, under the laws in force in Ontario, be lawfully executed and performed by constables;

(c) to perform all duties that may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and mentally incompetent persons to and from any courts, places of punishment or confinement, hospitals or other places; and

(d) generally to perform such duties as are from time to time assigned to them by the Commissioner.

Municipal
by-laws

(2) Except under an agreement entered into under section 62, the Ontario Police Force shall not be charged with any duties under or in connection with any municipal by-laws. R.S.O. 1960, c. 298, s. 43.

Liability
for torts

47.—(1) The Commissioner is liable, in respect of torts committed by members of the force in the performance or

purported performance of their duties, in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in respect of any such torts be treated for all purposes as a joint tortfeasor.

(2) The Treasurer of Ontario shall pay out of the Consolidated Revenue Fund, Payment by
Ontario

- (a) any damages awarded against the Commissioner in any proceeding brought against him by virtue of this section and any costs incurred by him in any such proceeding so far as not recovered by him in the proceedings; and
- (b) subject to the approval of the Lieutenant Governor in Council, any sum required in connection with the settlement of any claim made against the Commissioner by virtue of this section. 1966, c. 118, s. 12.

43.—(1) The Lieutenant Governor in Council may provide Service
badges for the granting of service badges to the members of the Ontario Provincial Police Force or any class thereof and for money allowances to be paid to the members entitled to any service badge. R.S.O. 1960, c. 298, s. 45 (1).

(2) The money allowance shall be deemed to be part of the salary of the member. Allowances R.S.O. 1960, c. 298, s. 45 (2); 1967, c. 76, s. 11.

PART V

EMERGENCY POLICE

49. In this Part,

- (a) “emergency” means an emergency as defined in *The Emergency Measures Act*; Interpre-
tation
R.S.O. 1970
c. 145
- (b) “member” includes an auxiliary member. 1960-61, c. 77, s. 1, *part*; 1964, c. 92, s. 14.

50.—(1) An authority empowered to appoint members of a police force may appoint auxiliary members in a number approved by the Commission, and may suspend or terminate any such appointment. 1965, c. 99, s. 9, *part*; 1966, c. 118, s. 13 (1); 1967, c. 76, s. 12. Appoint-
ment of
auxiliary
police

(2) The appointment of an auxiliary member of a police force is subject to the approval of the Commission, and written notice of the suspension or termination of the appointment of an auxiliary member shall be forthwith transmitted to the Commission. 1965, c. 99, s. 9, *part*. Approval of
appoint-
ment and
notice of
termination

(3) Where an emergency exists or where the members of a police force are not adequate to meet a special occasion, the chief Authority

of police or the Commissioner, as the case may be, may authorize auxiliary members of the force to perform police duties, and while so authorized an auxiliary member becomes a constable and has authority to act as a constable of the force. 1965, c. 99, s. 9, *part*; 1966, c. 118, s. 13 (2).

Oath

(4) Every authority appointing an auxiliary member of a police force shall require him to take and subscribe to an oath in a form prescribed by the regulations. 1965, c. 99, s. 9, *part*.

Resignations
R.S.C. 1952,
c. 184

51. Subject to sections 34 and 35 of the *National Defence Act* (Canada), during an emergency no member of a police force having jurisdiction in the area in which the emergency exists shall resign without the consent of the Commissioner. 1960-61, c. 77, s. 1, *part*.

Agreements
for addi-
tional police
services

52. Where an emergency exists, the Minister may make agreements with the Crown in right of Canada or of any other province or any agency thereof for the provision of additional police services and, upon the agreement being made, all peace officers to whom the agreement relates are authorized to act as constables in the area in which the emergency exists. 1960-61, c. 77, s. 1, *part*.

Workmen's
compensa-
tion not
affected
R.S.O. 1970,
c. 505

53. The relationship between a member of a police force and the body that employs him continues for the purposes of *The Workmen's Compensation Act* as if this Part had not been passed. 1961-62, c. 105, s. 8.

PART VI

GENERAL

Constables
empowered
to act
throughout
Ontario

54. Every chief of police, other police officer and constable, except a special constable or a by-law enforcement officer, has authority to act as a constable throughout Ontario. R.S.O. 1960, c. 298, s. 46; 1966, c. 118, s. 14.

Duties and
powers of
members of
police forces

55. The members of police forces appointed under Part II, except assistants and civilian employees, are charged with the duty of preserving the peace, preventing robberies and other crimes and offences, including offences against the by-laws of the municipality, and apprehending offenders, and laying informations before the proper tribunal, and prosecuting and aiding in the prosecuting of offenders, and have generally all the powers and privileges and are liable to all the duties and responsibilities that belong to constables. R.S.O. 1960, c. 298, s. 47; 1966, c. 118, s. 15.

56.—(1) The Ontario Police Commission or any member thereof designated by the chairman may investigate, inquire into and report upon the conduct of or the performance of duties by any chief of police, other police officer, constable, special constable or by-law enforcement officer, the administration of any police force, the system of policing any municipality, and the police needs of any municipality, Investigations

(a) at the request of the council of any municipality, in which case the municipality, unless the Minister otherwise directs, shall pay the cost of the investigation, including the cost of reporting and transcribing the evidence; or

(b) without the request of the council of a municipality, in which case the cost of the investigation, including the cost of reporting and transcribing the evidence, shall be paid out of the Consolidated Revenue Fund. R.S.O. 1960, c. 298, s. 48 (1); 1961-62, c. 105, s. 9 (1); 1965, c. 99, s. 10 (1, 2); 1966, c. 118, s. 16; 1968, c. 97, s. 12 (1).

(2) The Commission may inquire into and report to the Minister on the advisability of amalgamating the police forces of any two or more municipalities and any question, matter or thing relating thereto. 1965, c. 99, s. 10 (3). Inquiry as to amalgamation of police forces

(3) The Commission or person holding an investigation under this section has and may exercise all the powers and authority that may be conferred upon a person appointed under *The Public Inquiries Act*. R.S.O. 1960, c. 298, s. 48 (2); 1961-62, c. 105, s. 9 (3). Powers on investigation
R.S.O. 1970, c. 379

(4) The Minister may, upon the request of the Commission, appoint counsel to assist the Commission in an inquiry or investigation under this section. 1965, c. 99, s. 10 (4). Counsel

(5) The Commission shall communicate its report of an investigation under subsection 1, Report

(a) to the Minister upon his request or if the Commission considers it advisable;

(b) to the council or, where there is a board, the board of the municipality for which the police force is maintained upon its request or if the Commission considers it advisable; and

(c) to such other persons as the Commission considers advisable. 1968, c. 97, s. 12 (2).

(6) The Commission may grant to a person attending to give evidence at an inquiry or investigation under this section such fees and expenses as are set out in the Schedule to *The Crown Witnesses Act*. 1965, c. 99, s. 10 (5). Payment of witnesses
R.S.O. 1970, c. 103

Inquiries

57.—(1) The Lieutenant Governor in Council may direct the Commission to inquire into and report to him upon any matter relating to,

- (a) the extent, investigation or control of crime; or
- (b) the enforcement of law,

and he shall define the scope of the inquiry in the direction.

Power to
summon
witnesses,
etc.

(2) For the purpose of an inquiry under this section, the Commission may summon any person and require him to give evidence on oath and to produce such documents and things as the Commission considers necessary.

Idem

(3) Subject to subsection 9, the Commission has all the powers to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as are vested in any court in civil cases.

Evidence
in private

(4) Upon the request or with the consent of a witness at an inquiry under this section, his evidence shall be taken in private.

Rights of
witnesses

(5) A witness under this section has,

- (a) the right to retain and instruct counsel;
- (b) the remedies by way of *habeas corpus*, certiorari, prohibition, mandamus and other extraordinary remedies;
- (c) every protection available under *The Evidence Act* to a witness; and
- (d) all the rights of a witness in a civil court.

R.S.O. 1970,
c. 151

Stated
case

(6) Where the validity of a direction under subsection 1 or the jurisdiction of the Commission or the validity of any decision, order, direction or other act of the Commission is called into question by any person affected, the Commission, upon the request of such person, shall state a case in writing to the Court of Appeal setting forth the material facts.

Idem

(7) If the Commission refuses to state a case, any person affected may apply to the Court of Appeal for an order directing the Commission to state a case, and, pending the decision of the stated case, no further proceedings shall be taken by the Commission.

Disclosure
of evidence
taken in
private

(8) Where evidence is taken in private under subsection 4, no person, without the consent of the Commission, shall knowingly disclose any evidence so taken or the name of any witness so examined, and every person who contravenes this subsection is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(9) The Commission shall not exercise its power to penalize any person under this section unless, on the application of the Commission, a judge of a county or district court has certified, as such judge may,

Application
to judge

- (a) that the person is guilty as alleged by the Commission;
- (b) the penalty therefor; and
- (c) that the Commission may impose such penalty,

and the Commission has given such person forty-eight hours notice of the hearing of the application or such shorter notice as the judge considers reasonable.

(10) An appeal lies from a certificate of a judge or an order of the Commission made under subsection 9 to the Court of Appeal, which may affirm, reverse or alter the certificate or order, and the provisions of *The Summary Convictions Act* as to appeals to the Court of Appeal apply *mutatis mutandis*, and such appeal is of right and is not restricted to a question of law alone. 1964, c. 92, s. 17, *part*.

Appeal

R.S.O. 1970,
c. 450

58. The chairman of the Commission may authorize one or more members of the Commission to exercise the powers and perform the duties of the Commission under section 41 or 57. 1964, c. 92, s. 17, *part*.

Delegation
of powers

59.—(1) The Crown attorney may request the services of the Ontario Provincial Police Force in any area for the policing of which a municipality or board is responsible and the cost of furnishing such services shall be certified by the Crown attorney or the Commissioner and, unless the Minister otherwise directs, the amount so certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to Her Majesty.

Expenses of
provincial
police,
when pay-
able by
municipality

(2) In a provisional judicial district, the treasurer of the district may, on the written request of the Crown attorney, make an advance to any member of the Ontario Provincial Police Force for the purpose of paying reasonable and necessary expenses incurred in any criminal matter. R.S.O. 1960, c. 298, s. 49.

Advances to
provincial
police in
districts

60.—(1) A board or council responsible for the policing of a municipality or part thereof may by resolution request the Commissioner to furnish the assistance of the Ontario Provincial Police Force in maintaining law and order or investigating any offence in the municipality and the Commissioner may with the approval of the Ontario Police Commission provide such assistance as he considers necessary. R.S.O. 1960, c. 298, s. 50 (1); 1961-62, c. 105, s. 10

Municipality may
request
assistance of
provincial
police

Expenses,
how payable

(2) Where such assistance is provided in an area for the policing of which the board or municipality is responsible, the expense incurred shall be certified by the Commissioner and, unless the Minister otherwise directs, the amount certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to Her Majesty. R.S.O. 1960, c. 298, s. 50 (2).

Municipal
policing
agreements

61. The board or, if none, the council of a municipality may by agreement with the board or, if none, the council of another municipality provide that the services of the members of the police force of the first-mentioned municipality shall be available in the other municipality upon such terms and conditions as are set forth in the agreement. R.S.O. 1960, c. 298, s. 52.

Agreement
for provin-
cial police
to police
muni-
cipalities

62.—(1) The Minister may enter into an agreement with the council of any municipality for the policing of the whole or any part of the municipality, or with any company for the policing of any area, by the Ontario Provincial Police Force. R.S.O. 1960, c. 298, s. 53 (1); 1964, c. 92, s. 19 (1).

No agree-
ment except
on request
of board

(2) In municipalities having a board, no agreement shall be entered into under this section except at the request of the board. R.S.O. 1960, c. 298, s. 53 (2).

Rates of
pay to be
considered

(3) No agreement shall be entered into under this section with a municipality at a cost that is less than the aggregate of police salaries paid by the municipality or where in the opinion of the Minister such an agreement is sought for the purpose of defeating the collective bargaining provisions of this Act. R.S.O. 1960, c. 298, s. 53 (3); 1964, c. 92, s. 19 (2).

Duties

(4) Where an agreement has been entered into under subsection 1, the members of the Ontario Provincial Police Force assigned to duty in the municipality or area are charged with the duty of preserving the peace, preventing crime and other offences, including offences against the by-laws of the municipality, and shall perform such other duties as are specified in the agreement.

Monies to
be paid
into Con-
solidated
Revenue
Fund

(5) The moneys received from a municipality or company pursuant to an agreement entered into under subsection 1 shall be paid into the Consolidated Revenue Fund. R.S.O. 1960, c. 298, s. 53 (4, 5).

Fines, etc.

(6) Where a municipality is entitled to receive fines or the proceeds of estreated recognizances because of prosecutions instituted by constables appointed by the council or by a board and the municipality has entered into an agreement with the Minister or with another municipality to furnish police services, such members of the Ontario Provincial Police Force or of the

police force of the other municipality as are assigned for duty under the agreement shall, for the purposes of the disposition of any such fines or proceeds, be deemed to be constables of the first-mentioned municipality. R.S.O. 1960, c. 298, s. 53 (6); 1964, c. 92, s. 19 (3).

63. Where pursuant to section 62 the Minister enters into an agreement with a municipality having a board, sections 14, 15, 16 and 17 do not apply, but the board shall act in an advisory capacity to the senior officer of the Ontario Provincial Police Force in the municipality and to the Minister with respect to the policing of the municipality. R.S.O. 1960, c. 298, s. 54; 1964, c. 92, s. 20.

When board
to act in
advisory
capacity

64.—(1) Every person appointed to be a chief of police, other police officer or constable shall before entering on the duties of his office, and every special constable when thereunto required, take and subscribe the following oath:

Oath

I,, do swear that I will well and truly serve Her Majesty the Queen in the office of constable (*or as the case may be*) for the of without favour or affection, malice or ill-will; and that, to the best of my power, I will cause the peace to be kept and preserved, and prevent all offences against the persons and properties of Her Majesty's subjects; and that, while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to the law. So help me God.

C.D.

Sworn, etc.

R.S.O. 1960, c. 298, s. 55 (1); 1966, c. 118, s. 17 (1).

(2) The oath of every chief of police, other police officer and constable of a municipal police force shall be deposited in the office of the clerk of the municipality or of the secretary of the board of the municipality for which he is appointed. R.S.O. 1960, c. 298, s. 55 (2); 1966, c. 118, s. 17 (2).

Disposition
of oath

65. The expenses of and incidental to the calling out of the Canadian armed forces in aid of the civil powers shall be paid by the corporation of the city or separated town wherein their services are required, and in the case of other municipalities by the county. R.S.O. 1960, c. 298, s. 56; 1965, c. 99, s. 11, *amended*.

Canadian
armed
forces,
calling out

66. A municipality having an interest in a building or area beyond the boundaries of the municipality may undertake and agree to pay the whole or a part of the cost of policing such building or area. R.S.O. 1960, c. 298, s. 57.

Policing
beyond
boundaries
of municip-
ality

67.—(1) Subject to section 54, a county court judge, a district court judge or a provincial judge may, by written authority, appoint any person to act as special constable for such period,

Special
constables

area and purpose as he considers expedient. R.S.O. 1960, c. 298, s. 58 (1); 1965, c. 99, s. 12 (1), *amended*.

Appointment by Commissioner

(2) The Commissioner may, by written authority, appoint any person to act as a special constable for such period, area and purpose as he considers expedient, and, notwithstanding section 54, such special constable may be authorized to act as a constable throughout Ontario.

Approval of Commission

(3) Every appointment as a special constable is subject to the approval of the Commission. 1965, c. 99, s. 12 (2).

Suspension or termination of services

(4) The authority who has appointed a special constable, or the Commission, may suspend or terminate the services of such constable, and written notice of the suspension or termination shall, if made by the Commissioner or a judge, be forthwith transmitted to the Commission. 1961-62, c. 105, s. 13, *part*; 1964, c. 92, s. 21 (2), *amended*.

Oath of special constable

(5) Every authority appointing a special constable shall require him to take and subscribe an oath similar to that set out in subsection 1 of section 64. R.S.O. 1960, c. 298, s. 58 (4).

Municipal law enforcement officer

68. The council of any municipality or the trustees of any police village may appoint one or more municipal law enforcement officers who shall be peace officers for the purpose of enforcing the by-laws of the municipality or police village. 1967, c. 76, s. 13.

Causing disaffection, etc.

69.—(1) Every person, including a member of a police force, who,

- (a) causes or attempts to cause, or does any act calculated to cause, disaffection among the members of a police force;
- (b) induces or attempts to induce, or does any act calculated to induce, a member of a police force to withhold his services or commit a breach of discipline; or
- (c) being a member of a police force, withholds his services,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 or to imprisonment for a term of not more than one year, or to both.

Consent

(2) No prosecution shall be instituted under this section without the consent of the Minister.

Disqualification and forfeiture of rights

(3) Where a person convicted of an offence under subsection 1 is a member of a police force, he shall,

- (a) cease to be a member and shall not thereafter be appointed to any police force; and

- (b) subject to any agreement with or by-law of the municipality, forfeit all pension rights under any pension scheme of such police force except his right to receive such moneys as he has paid into any fund under the scheme with interest at the rate payable under the scheme. R.S.O. 1960, c. 298, s. 60.

70.—(1) There shall be a police college to be known as the Ontario Police College for the training of members of police forces. R.S.O. 1960, c. 298, s. 61; 1965, c. 99, s. 13 (1). Ontario
Police
College

(2) The Commission shall operate the Ontario Police College and is responsible to the Minister therefor. 1965, c. 99, s. 13 (2). Commission
to operate
College

71. Any chief of police may, subject to the approval of the board or, where there is no board, of the council, appoint persons as police cadets to undergo training, and police cadets shall be deemed to be members of the police force. 1966, c. 118, s. 18. Police
cadets

REGULATIONS

72.—(1) The Lieutenant Governor in Council may make Regulations, Regulations

- (a) for the government of police forces and governing the conduct, duties, suspension and dismissal of members of police forces;
- (b) providing for the payment of fees and expenses to witnesses at hearings in connection with the discipline of police officers;
- (c) governing the qualifications for the appointment of persons to police forces and for their promotion;
- (d) establishing the ranks that shall be held by members of police forces;
- (e) prescribing the form of oath that shall be taken by auxiliary members of police forces;
- (f) prescribing the minimum salary or other remuneration and allowances to be paid to members of police forces;
- (g) prescribing the minimum remuneration to be paid by a municipality to the members of boards who are designated by the Lieutenant Governor in Council or appointed by the Minister;
- (h) prescribing the minimum number of members of police forces that shall be employed either upon a basis of population, area, property assessment, or any combination thereof, or upon any other basis;
- (i) governing lock-ups and providing for their inspection;

- (j) prescribing requirements respecting clothing and equipment to be furnished by municipalities;
- (k) prescribing courses of training for members of police forces;
- (l) providing for or granting financial aid to and the administration and course of study in a police training school;
- (m) prescribing or regulating the number of meetings to be held by boards and the times and places at which they are to be held;
- (n) prescribing the records, returns, books and accounts to be kept and made by police forces or the members thereof;
- (o) prescribing the method of accounting for fees and costs and other money that comes into the hands of members of police forces;
- (p) respecting any matter relating to the Commissioner and the Ontario Provincial Police Force as is considered necessary;
- (q) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 298, s. 62 (1); 1965, c. 99, s. 14; 1966, c. 118, s. 19.

Regulations
may be
general or
particular

(2) Any regulation made under the authority of subsection 1 may be general or particular in its application. R.S.O. 1960, c. 298, s. 62 (2).

CHAPTER 352

The Pollution Abatement Incentive Act**1.** In this Act,Interpre-
tation

- (a) “Minister” means the Minister of Energy and Resources Management;
- (b) “regulations” means the regulations made under this Act. 1970, c. 62, s. 1.

2. The Minister may make grants,

Grants

- (a) to any municipality, including a district, metropolitan or regional municipality, university, school and hospital in respect of equipment for pollution abatement that it has installed and made operational after this Act comes into force for the purpose of incineration, the treatment of sewage, the treatment of water to produce potable water or the treatment or disposal of waste;
- (b) to any person engaged in the generation and production of electricity or in the manufacturing or processing of products, goods or merchandise in respect of equipment for pollution abatement that is used in relation to such generation, production, manufacturing or processing and that he has installed and made operational after this Act comes into force;
- (c) to any owner of a source of pollution, except a motor vehicle, in respect of equipment for pollution abatement that is used in relation thereto and that he has installed and made operational after this Act comes into force; and
- (d) to any person who is engaged, whether for profit or otherwise, in the abatement of pollution or the treatment or disposal of waste, in respect of equipment for pollution abatement or the treatment or disposal of waste that is used in relation thereto and that he has installed and made operational after this Act comes into force. 1970, c. 62, s. 2.

3. Every claimant, to be eligible for a grant under section 2, must satisfy the Minister that the tax under *The Retail Sales Tax Act* has been paid by him in respect of the equipment for pollution abatement or the treatment or disposal of waste in relation to which a grant is claimed and that the equipment has been installed and made operational. 1970, c. 62, s. 3.

Eligibility
for grants
R.S.O. 1970,
c. 415

Amount of grants

4. Except as provided under section 5, the amount of a grant to any person, municipality, university, school or hospital shall be,

R.S.O. 1970,
c. 415

- (a) where the equipment is used solely for the abatement of pollution or the treatment or disposal of waste, the amount of the tax paid by such person, municipality, university, school or hospital under *The Retail Sales Tax Act* in respect of such equipment; or
- (b) where the use of the equipment is not solely for the abatement of pollution or the treatment or disposal of waste, as determined by the Minister, the amount of such tax that is in the same proportion as the equipment is used for the abatement of pollution or the treatment or disposal of waste. 1970, c. 62, s. 4.

Where pollution abatement only part of result of change of process or method

5.—(1) When the Minister determines that a major change in an existing system, process or method of incineration, treatment of sewage, treatment of water to produce potable water, treatment or disposal of waste, generation and production of electricity, or the manufacturing or processing of products, goods or merchandise results in the abatement of pollution, he may make a grant in an amount not to exceed the amount of the tax paid under *The Retail Sales Tax Act* by the claimant in respect of any material or thing required for such change and upon such terms and conditions as he considers proper.

Eligibility for grant

(2) Every claimant, to be eligible for a grant under this section, must satisfy the Minister that the tax under *The Retail Sales Tax Act* has been paid by him in respect of any material or thing required for such change. 1970, c. 62, s. 5.

Approval of equipment

6. Grants shall be made under section 2 only in relation to equipment for the abatement of pollution or the treatment or disposal of waste that is approved for the purposes of this Act by the Minister and on such terms and conditions, in addition to those prescribed by the regulations, as may be imposed by the Minister. 1970, c. 62, s. 6.

Application for grant

7. No application for a grant under this Act may be made later than thirty days after the end of the calendar year in which the equipment for the abatement of pollution or the treatment or disposal of waste in relation to which the grant is payable was installed and made operational or in which a change was made under section 5. 1970, c. 62, s. 7.

Delegation of powers to officer

8. The Minister may authorize any officer or officers of the Department of Energy and Resources Management or of the Ontario Water Resources Commission to exercise and discharge

in his place any of the powers conferred or duties imposed upon him under this Act. 1970, c. 62, s. 8.

9. The Lieutenant Governor in Council may make regula- Regulations
tions,

- (a) defining and classifying equipment for the abatement of pollution or the treatment or disposal of waste for the purposes of this Act;
- (b) prescribing equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof to which this Act does not apply;
- (c) prescribing the terms and conditions upon which grants may be made in relation to equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof;
- (d) prescribing forms and providing for their use under this Act;
- (e) prescribing the documents and other information that shall be filed with an application for a grant under this Act;
- (f) limiting the amount of any grant or the aggregate amount of grants that may be paid to any claimant in relation to equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof installed and made operational during any period. 1970, c. 62, s. 9.

10. The moneys required for the purposes of this Act shall be Money
paid out of moneys appropriated therefor by the
Legislature. 1970, c. 62, s. 10, *amended*.

11. This Act shall be deemed to have come into force on the Commence-
1st day of April, 1970, and is repealed on the 1st day of April, ment
1975. and repeal

CHAPTER 353
The Pounds Act

1. Except so far as varied by any by-law passed under paragraphs 4 to 7 of subsection 1 of section 354 of *The Municipal Act*, this Act is in force in every city, town, township and village in Ontario. R.S.O. 1960, c. 299, s. 1.

Scope of Act
save as
varied by
by-laws
R.S.O. 1970,
c. 284

2. The owner or occupant of any land is responsible for any damage caused by any animal under his charge and keeping as though such animal were his own property, and the owner of any animal not permitted to run at large by the by-laws of the municipality is liable for any damage done by such animal, although the fence enclosing the premises of the complainant was not of the height required by such by-laws. R.S.O. 1960, c. 299, s. 2.

Liability of
owners and
others for
damage
done

3.—(1) Damages are not recoverable in respect of injuries committed upon any land in a provisional judicial district by horses, cattle, sheep or swine straying on such land unless the animal so straying was running at large contrary to a municipal by-law.

In pro-
visional
judicial
districts

(2) Where there is no such by-law in force in the municipality or where such trespass was committed upon land in any part of such district not included in an organized municipality, no such damages are recoverable unless the animal has broken through or jumped over a fence then being in reasonably good repair and of the height of 4½ feet.

Unless
animal
broke
through or
jumped over
fence

(3) This section does not apply to breachy or unruly animals. R.S.O. 1960, c. 299, s. 3.

Exception

4. No bull over the age of ten months nor any swine shall be allowed to run at large in any part of such district not included in an organized municipality. R.S.O. 1960, c. 299, s. 4.

Bulls and
swine not
to run at
large

5. The owner of a bull or swine running at large contrary to section 4 is liable in damages for all injuries committed by such animal or animals, and also is guilty of an offence and on summary conviction is liable to a fine of not more than \$10. R.S.O. 1960, c. 299, s. 5.

Owner of
bull or swine
liable for
damages

6.—(1) If not previously replevied, the poundkeeper shall impound any horse, bull, ox, cow, sheep, goat, pig or other cattle, geese or other poultry, distrained for unlawfully running at large

What ani-
mals to be
impounded

or for trespassing and doing damage, delivered to him for that purpose by any person resident in his division who has distrained the same.

Poultry

(2) If the owner of geese or other poultry refuses or neglects to prevent the same from trespassing on his neighbour's premises after a notice in writing has been served upon him of their trespass, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$10. R.S.O. 1960, c. 299, s. 6.

Notice to clerk as to animals impounded

7. Where an animal has been impounded, the poundkeeper shall, within twenty-four hours, deliver to the clerk of the municipality a notice in writing containing a description of the colour, age and natural and artificial marks of the animal, as nearly as may be. R.S.O. 1960, c. 299, s. 7.

When the common pound is not safe

8. When the common pound of the municipality or place wherein a distress has been made is not secure, the poundkeeper may confine the animal in any enclosed place within the limits of the poundkeeper's division within which the distress was made. R.S.O. 1960, c. 299, s. 8.

Statement of demand to be delivered to pound-keeper by impounder

9.—(1) The person distraining and impounding the animal shall, at the time of the impounding, deposit poundage fees, if demanded, and within twenty-four hours thereafter deliver to the poundkeeper duplicate statements in writing of his demands against the owner for damages, if any, not exceeding \$20, done by such animal, exclusive of poundage fees, and shall also give his written agreement, with a surety if required by the poundkeeper, in the following form or in words to the same effect:

Form of agreement with pound-keeper

I (*or we, as the case may be*) do hereby agree that I (*or we*) will pay to the owner of the (*describing the animal*), by me (*A.B.*) this day impounded, all costs to which the owner may be put in case the distress by me the said (*A.B.*) proves to be illegal or in case the claim for damages now put in by me the said (*A.B.*) fails to be established.

Release of animal on security being furnished

(2) The owner of an animal impounded is entitled to it at any time on demand made therefor, without payment of any poundage fees, on giving satisfactory security to the poundkeeper for all costs, damages and poundage fees that may be established against him. R.S.O. 1960, c. 299, s. 9.

When animal may be retained by distrainer

10.—(1) If the animal distrained is a horse, bull, ox, cow, sheep, goat, pig or other cattle, and if it is distrained by a resident of the municipality for straying in his premises, instead of delivering the animal to the poundkeeper, he may retain the animal in his own possession, if he makes no claim for damages done by the animal and duly gives the notices hereinafter required.

(2) If the owner is known, the person distraining shall forthwith give the owner notice in writing of having distrained the animal. Notice to owner if known

(3) If the owner is unknown, the person distraining shall, within forty-eight hours, deliver to the clerk of the municipality a notice in writing of having distrained the animal containing a description of its colour, age and natural and artificial marks, as nearly as may be. If unknown, notice to clerk of municipality

(4) The clerk on receiving the notice shall forthwith enter a copy thereof in a book to be kept by him for that purpose and shall post it or a copy thereof in some conspicuous place on or near the door of his office and keep it so posted for at least one week, unless the animal is sooner claimed by the owner. Duty of clerk thereon

(5) If the animal or animals distrained at the same time is or are of the value of \$10 or more, the distrainer shall cause a copy of the notice to be published in a newspaper in the county or district once a week for three successive weeks. R.S.O. 1960, c. 299, s. 10. If animals worth \$10 or over

11. If an animal is impounded, notices for the sale thereof shall be given by the poundkeeper or person who impounded it within forty-eight hours afterwards, but no pig or poultry shall be sold until after four clear days, nor any horse or other cattle until after eight clear days, from the time of impounding it. R.S.O. 1960, c. 299, s. 11. Sale after notice

12. If the animal is a pig, goat or sheep and is not impounded but is retained in the possession of the person distraining it, the notices for the sale thereof shall not be given for one month, and, if the animal is a horse or other cattle, the notices shall not be given for two months after the animal was distrained. R.S.O. 1960, c. 299, s. 12. If animal is not impounded, but retained

13. The notices of sale shall be posted up for three clear successive days in three public places in the municipality and shall specify the time and place at which the animal will be publicly sold, if not sooner replevied or redeemed by the owner or some one on his behalf, paying the penalty imposed by law, if any, the amount of the injury, if any, claimed or decided to have been committed by the animal to the property of the person who distrained it, together with the lawful fees and charges of the poundkeeper and also of the fence-viewers, if any, and the expenses of the animal's keeping. R.S.O. 1960, c. 299, s. 13. Notice of sale unless redeemed

14. Every poundkeeper and every person who impounds or confines, or causes to be impounded or confined, an animal in a common pound or in an open or close pound, or in an enclosed place, shall daily furnish the animal with good and sufficient food, Food to be furnished impounded animal

water and shelter during the whole time that it continues impounded or confined. R.S.O. 1960, c. 299, s. 14.

Recovery of
expenses

15.—(1) Every such person who furnishes an animal with food, water and shelter may recover the value thereof from the owner of the animal and also a reasonable allowance for his time, trouble and attendance in the premises.

Procedure
for recovery

(2) Such value and allowance may be recovered with costs by summary proceeding before a justice of the peace in whose jurisdiction the animal was impounded in like manner as fines, penalties or forfeitures for the breach of a by-law of the municipality may by law be recovered and enforced by a single justice of the peace, and the justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, so far as applicable, to the tariff of poundkeeper's fees and charges established by the by-laws of the municipality. R.S.O. 1960, c. 299, s. 15.

Other mode
of enforcing

16. The poundkeeper or person so entitled to proceed may, instead of such summary proceeding, enforce the remuneration to which he is entitled in the manner hereinafter mentioned. R.S.O. 1960, c. 299, s. 16.

Procedure
for sale and
disposal of
proceeds

17. If it is proved by an affidavit sworn before a justice of the peace that the proper notices had been duly posted and published, then, if the owner or some one for him does not, before the sale of the animal, replevy or redeem it, the poundkeeper who impounded it or, if the person who distrained it did not deliver it to a poundkeeper but retained it in his own possession, any poundkeeper of the municipality may publicly sell it to the highest bidder at the time and place mentioned in the notices, and, after deducting the penalty and the damages, if any, and the fees and charges, shall apply the proceeds in discharge of the value of the food and nourishment, loss of time, trouble and attendance so supplied, and of the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending it, or incidental thereto, and of the damage when legally claimable, not exceeding \$20, done by it to the property of the person by whom or at whose instance it was distrained, and shall return the surplus, if any, to its original owner, or, if not claimed by him within three months after the sale, the poundkeeper shall pay such surplus to the treasurer of the municipality. R.S.O. 1960, c. 299, s. 17.

Disputes
regarding
demand for
damages,
how deter-
mined

18.—(1) If the owner, within forty-eight hours after the delivery of the statements provided for in section 9, disputes the amount of damages so claimed, the amount shall be decided by the majority of three fence-viewers of the municipality, one to be

named by the owner of the animal, one by the person distraining or claiming damages, and the third by the poundkeeper.

(2) The fence-viewers or any two of them shall, within twenty-four hours after notice of their appointment, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the statutes or by-laws in that behalf at the time of the trespass and if it was a lawful fence, or, if the animal was one not permitted to run at large by the by-laws of the municipality, they shall appraise the damages committed, and, within twenty-four hours after having made the view, shall deliver to the poundkeeper a written statement signed by at least two of them of their appraisal and of their lawful fees and charges.

Fence-viewers to view and appraise damage

(3) If, in the case of an animal permitted to run at large, the fence-viewers decide that the fence was not a lawful one, they shall so certify in writing under their hands, together with a statement of their lawful fees to the poundkeeper, who shall, upon payment of all lawful fees and charges, deliver such animal to the owner if claimed before the sale thereof, but, if not claimed or if such fees and charges are not paid, the poundkeeper, after due notice as required by this Act, shall sell the animal in the manner before mentioned at the time and place appointed in the notices. R.S.O. 1960, c. 299, s. 18.

Where fence not lawful

19. If a poundkeeper or person who impounds or confines, or causes to be impounded or confined, an animal refuses or neglects to provide and supply it with good and sufficient food, water and shelter, he is guilty of an offence and on summary conviction is liable to a fine, for every day during which he is so in default, of not less than \$1 and not more than \$4. R.S.O. 1960, c. 290, s. 19.

Offence

20. Every fence-viewer who neglects his duty under this Act is guilty of an offence and on summary conviction is liable to a fine of \$2. R.S.O. 1960, c. 299, s. 20.

Idem

21. Every poundkeeper and every person who distrains an animal under section 10 shall, on or before the 15th day of January in every year, file with the clerk of the municipality a statement for the year ending on the 31st day of December next preceding showing,

Statement to be filed with clerk

- (a) the number of animals impounded or distrained, as the case may be;
- (b) the number of animals sold and the amounts received;
- (c) the sum received as poundage fees and cost of keep by the poundkeeper or party distraining;
- (d) the damages paid by any party;

- (e) all disbursements and to whom paid;
- (f) any receipts and expenditures in connection therewith. R.S.O. 1960, c. 299, s. 21.

Certifying
statement

22. The statement shall be certified to by the poundkeeper or the person distraining as a true and accurate statement. R.S.O. 1960, c. 299, s. 22.

Offence

23. Every poundkeeper or other person required to file such return, who neglects or refuses to file it on or before the 15th day of January in any year, is guilty of an offence and on summary conviction is liable to a fine of not more than \$10. R.S.O. 1960, c. 299, s. 23.

CHAPTER 354

The Power Commission Act

1. In this Act, unless the contrary intention appears,

Interpre-
tation

- (a) “advisory council” means The Ontario Hydro-Electric Advisory Council;
- (b) “buildings” includes all buildings, structures and works that the Commission may deem necessary for the purposes of this Act;
- (c) “Commission” means The Hydro-Electric Power Commission of Ontario;
- (d) “land” means real property of whatsoever nature or kind, and includes tenements, hereditaments and appurtenances, and any estate, term, easement, right or interest in, to, over, under or affecting land;
- (e) “owner” includes a mortgagee, lessee, tenant, occupant and any other person entitled to a limited estate or interest in land and a guardian, committee, executor, administrator or trustee in whom land is vested;
- (f) “power” includes electrical, pneumatic, hydraulic, mechanical, nuclear, steam, gas or other power and also includes energy;
- (g) “supply” includes delivery, dealing in, and sale;
- (h) “Treasurer of Ontario” means the Treasurer of Ontario and Minister of Economics;
- (i) “works” includes all roads, plant, machinery, buildings, erections, constructions, installations, materials, devices, fittings, apparatus, appliances, equipment and other property for the development, generation, transformation, transmission, conveying, distribution, supply or use of power;
- (j) if a power is conferred or a duty is imposed on the Commission, the power may be exercised and the duty shall be performed from time to time as occasion requires. R.S.O. 1960, c. 300, s. 1; 1961-62, c. 106, s. 1, *amended*.

PART I

THE COMMISSION

- Commission** **2.**—(1) The Commission shall continue to be a body corporate, and shall consist of not fewer than three and not more than six persons appointed by the Lieutenant Governor in Council, two of whom may be members of the Executive Council. R.S.O. 1960, c. 300, s. 2 (1); 1961-62, c. 106, s. 2.
- Quorum** (2) Two members of the Commission, of whom one shall be the chairman or a vice-chairman, constitute a quorum. R.S.O. 1960, c. 300, s. 2 (2).
- Chairman** **3.**—(1) The Lieutenant Governor in Council may appoint one of the members of the Commission to be chairman and may appoint two other members of the Commission to be vice-chairmen of the Commission.
- Powers of vice-chairman** (2) In case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, a vice-chairman shall act as and have all the powers of the chairman. R.S.O. 1960, c. 300, s. 3.
- Tenure of office** **4.** Every person appointed to the Commission shall hold office during pleasure, and the Lieutenant Governor in Council, upon the death, resignation or removal from office of any member of the Commission, may appoint some other person in his place. R.S.O. 1960, c. 300, s. 4.
- Remuneration of Commissioners** **5.**—(1) The chairman, vice-chairmen and other members of the Commission shall receive such sums annually for their service as may be determined by the Lieutenant Governor in Council, and such sums shall be deemed to be part of the administration expenses of the Commission.
- Seat in Assembly not vacated** (2) Notwithstanding anything in *The Legislative Assembly Act*, R.S.O. 1970, c. 240 the appointment of any member of the Commission, if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any salary or other remuneration under this Act, nor does he thereby vacate or forfeit his seat or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly. R.S.O. 1960, c. 300, s. 5.
- Executive committee** **6.**—(1) The chairman and two vice-chairmen are the chief executive officers of the Commission and constitute an executive committee charged with the direction and control of the business of the Commission and it may exercise all of the powers of the Commission in its name, including, but without limiting the generality of the foregoing, all of the powers of the Commission under sections 54 and 57, and may delegate such powers as it sees fit to any of the other members of the Commission.

(2) The powers of the executive committee may be exercised by a majority of the committee. R.S.O. 1960, c. 300, s. 6. Quorum

7.—(1) The Commission may appoint and employ upon such terms of employment as it considers desirable a general manager, chief engineer, secretary and such other officers and employees as it considers requisite. Officers and employees

(2) The salaries, remuneration and expenses of persons appointed or employed by the Commission, as well as any other expenses of the Commission, shall be apportioned by the Commission among, and are chargeable to, the various works and undertakings carried on by the Commission upon which such persons are employed, but any portion of such salaries, remuneration and expenses that are not properly chargeable to such works or undertakings and that are earned or incurred in the performance of work or services other than those rendered in respect of works or undertakings of the Commission under contract with municipal corporations are chargeable to and payable out of such moneys as are appropriated for that purpose by the Legislature. Apportionment of salaries and expenses

(3) Any expenditure heretofore or hereafter incurred by the Commission, Certain expenditures to be included as part of cost of supplying power

(a) for works or services in carrying out the directions of the Lieutenant Governor in Council or for which the Commission has had other proper authority and that has not already been included in the cost of power to municipal corporations under contract with the Commission but that, in the opinion of the Commission, has proved or may ultimately prove beneficial to municipal corporations under contract with the Commission for a supply of power, or to municipal corporations that may from time to time thereafter enter into such contracts;

(b) considered necessary or desirable by the Commission in the interests of municipal corporations then or that may thereafter be under contract with the Commission for a supply of power, in carrying on, promoting or extending the operations of the Commission in connection with the generation, distribution or supply of power or for any work or service considered by the Commission incidental thereto,

may be included by the Commission as part of the cost of supplying power to any of such municipalities and shall be apportioned by the Commission as provided in this section and section 76.

(4) The apportionment by the Commission of such salaries, remuneration and expenses is final. R.S.O. 1960, c. 300, s. 7 (1-4). Apportionment to be final

No action
against
Commission
without
consent of
Minister of
Justice and
Attorney
General

(5) Without the consent of the Minister of Justice and Attorney General no action of any kind whatsoever shall be brought against the Commission, and without the consent of the Minister of Justice and Attorney General no action of any kind whatsoever shall be brought against any member of the Commission for anything done or omitted by him in the exercise of his office.

Non-liability
for errors
in estimates,
plans, etc.

(6) Neither the Province of Ontario nor the Commission nor any member thereof shall incur any liability by reason of any error or omission in any estimate, plan or specification prepared or furnished by the Commission. R.S.O. 1960, c. 300, s. 7 (5, 6), *amended*.

Advisory
Council

3.—(1) The Ontario Hydro-Electric Advisory Council shall consist of not more than nine members appointed by the Lieutenant Governor in Council each of whom shall hold office for two years from the date of his appointment or such other period as the Lieutenant Governor in Council may prescribe and every such member is eligible for reappointment.

Presiding
officer

(2) The members of the advisory council shall elect from among themselves a presiding officer whose term of office shall be one year, and who is eligible for re-election.

Meetings

(3) The advisory council shall meet on the call of its presiding officer on three days written notice, and also whenever requested to do so by the Commission on similar notice.

Reports

(4) The advisory council shall make a report for the consideration and assistance of the Commission upon every matter submitted to it by the Commission and upon any matter relative to the purposes of the Commission upon which the members of the advisory council consider it advisable to report.

Remunera-
tion

(5) The members of the advisory council shall be paid such per diem allowance and travelling expenses as the Lieutenant Governor in Council may from time to time decide and the cost thereof shall be deemed to be part of the administration expenses of the Commission.

Assistance

(6) The Commission may provide the advisory council with such professional, technical, secretarial and other assistance as the Commission sees fit, and the cost thereof shall be deemed to be part of the administration expenses of the Commission.

Unqualified
persons

(7) No senator or member of the House of Commons of Canada, and no member of the Assembly, and no person not entitled to vote at the election of members of the Assembly is eligible to be a member of the advisory council.

Termination
of appoint-
ment

(8) The Lieutenant Governor in Council may terminate the appointment of any member who in his opinion is incapable of performing his duties.

(9) The advisory council may act notwithstanding any vacancy in its membership and three members constitute a quorum at any meeting. R.S.O. 1960, c. 300, s. 8. Council may act notwithstanding vacancy

9. The fiscal year of the Commission is the period from the 1st day of January to the 31st day of December in the same year. R.S.O. 1960, c. 300, s. 9. Fiscal year

10.—(1) The Commission shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Commission. Annual report

(2) The annual report shall be signed by the chairman or a vice-chairman of the Commission. Signing of report

(3) The Provincial Secretary shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1960, c. 300, s. 10. Tabling of report

11.—(1) The accounts of the Commission shall, upon the direction of the Lieutenant Governor in Council, be from time to time, and at least once every year, audited and reported upon by an auditor or auditors named in the direction of the Lieutenant Governor in Council. Audit of accounts

(2) The expenses of such audits shall be fixed by the Commission, with the approval of the Lieutenant Governor in Council, and are payable by the Commission as part of the costs of administration of the Commission. R.S.O. 1960, c. 300, s. 11. Expenses of audits

12. The income of the Commission shall be applied by the Commission, Application of income of Commission

- (a) to meet its necessary operating expenses;
- (b) to the preservation, improvement, supervision, depreciation, repair, maintenance and insurance of its works;
- (c) to the payment of the remuneration and expenses of the commissioners and the officers and others employed by the Commission;
- (d) for the operations of the Commission under sections 59 and 70 and to meet obligations, charges and expenses arising from time to time in the course of such operations;
- (e) to meet interest expense and expenses of debt service and interest credited on the balances remaining from time to time to the credit of reserve accounts established under this Act;

- (f) to provide reserves authorized by sections 14, 15, 16 and 17; and
- (g) to such other purposes as are authorized or required by this Act. R.S.O. 1960, c. 300, s. 12.

General
fund

13. All special funds and the income and revenue thereof and all moneys and revenues that now are in or hereafter come into the hands of the Commission, whether as agent, trustee, owner or otherwise, form one fund to be known as the general fund, and the Commission has power to make any and all expenditures out of the general fund for the purposes and objects of the Commission without regard to the special trusts or purposes under which the general fund or any part thereof may come into its hands, and the Commission shall account for and pay out of the general fund all moneys for which it is so accountable. R.S.O. 1960, c. 300, s. 13.

Reserve
accounts

14.—(1) The Commission may establish and maintain reserve accounts,

- (a) to provide for the depreciation, reconstruction and repair of works constructed or operated by the Commission;
- (b) to provide a reserve as insurance against loss or damage to any property of the Commission or loss or damage to the persons or property of others caused by or arising from the works or operations of the Commission,

and may place to the credit of such reserve accounts and expend, use, apply, utilize and appropriate therefrom for the purposes of this section such amounts as are in the opinion of the Commission sufficient for the purposes of this section.

Interest

(2) The Commission may place to the credit of such reserve accounts interest at such rates as the Commission considers equitable and just upon the balances remaining from time to time to the credit of such reserve accounts. R.S.O. 1960, c. 300, s. 14.

Frequency
standardiza-
tion reserve

15.—(1) The frequency standardization reserve account may be maintained on the books of the Commission and the Commission may place to the credit of such account,

- (a) such amounts as the Commission collects under clause *e* of section 26;
- (b) such amounts as may be made available for the credit of this account under subsection 2 of section 70;
- (c) such additional amounts as in the opinion of the Commission are necessary for the purposes of this section;
- (d) interest at such rates as the Commission considers equitable and just upon balances remaining from time to time to the credit of the account.

(2) Any or all of the amounts at the credit of the frequency standardization reserve account may be used in the discretion of the Commission for meeting any expenditure or costs made or incurred under section 26, 28 or 29, except expenditure or costs made or incurred in respect of works held by it under section 84. R.S.O. 1960, c. 300, s. 15.

Use of
moneys

16.—(1) The stabilization of rates and contingencies reserve account may be maintained on the books of the Commission, and the Commission may place to the credit of such account,

Stabiliza-
tion and
contingencies
reserve

- (a) such amounts as the Commission determines and collects for the purposes of this section from its customers and such other amounts as are in its opinion sufficient for the purposes of this section;
- (b) interest at such rates as the Commission considers equitable and just upon balances remaining from time to time to the credit of the account.

(2) Any or all of the moneys in the stabilization of rates and contingencies reserve account may be used in the discretion of the Commission for determining, and for adjusting and apportioning, including making equitable and stabilizing, the amounts payable to the Commission by persons or municipal corporations; and to meet any expenditures or costs caused by or arising from injury to, or destruction, obsolescence or loss of use of any works or other property of the Commission; and to meet other contingencies arising in the operations of the Commission; and to provide for such part of the cost of properties to be acquired or that have been acquired as is not allocated to specific works; and to meet the costs and expenses incurred by the Commission that, in the opinion of the Commission, are for the protection or advancement of the interests in the undertakings under its supervision or control and that are not properly chargeable to any person or specific municipal corporation to which the Commission supplies power. R.S.O. 1960, c. 300, s. 16.

Idem

17. The Commission shall set apart annually as a sinking fund,

Sinking
fund

- (a) such sums as are received by the Commission from municipal corporations under clause *c* of section 76, and section 77, and, such sums as are appropriated by the Commission for sinking fund purposes out of the revenues received from the supply of power under section 70 to persons within the area of a municipal corporation that has contracted with the Commission for a supply of power at cost;
- (b) such sums as are appropriated by the Commission for sinking fund purposes out of the revenues received from the supply of power in the rural power district;

- (c) such sums as are appropriated by the Commission for sinking fund purposes for the repayment of any indebtedness incurred or assumed by the Commission in respect of the cost of administrative service buildings and equipment, and for the restoration of any reserve or other funds of the Commission utilized for the payment of the cost thereof. R.S.O. 1960, c. 300, s. 17; 1961-62, c. 106, s. 3, *amended*.

Application
of funds
set apart as
sinking fund

18. All funds set apart by the Commission as a sinking fund under section 17 shall be used or employed,

- (a) towards repayment of advances made by Ontario to the Commission and towards the retirement of other indebtedness incurred or assumed by the Commission;
- (b) to restore reserves or other funds of the Commission utilized for the payment of the cost of works; and
- (c) to purchase for sinking fund purposes, and from time to time vary, securities that the Commission is authorized to purchase under section 20. R.S.O. 1960, c. 300, s. 18; 1965, c. 100, s. 1.

Postpone-
ment of
sinking fund
collection

19.—(1) The Lieutenant Governor in Council may authorize the Commission to postpone the collection or setting apart of any sums on sinking fund account to provide for the cost of any works newly constructed, acquired or performed for such period, not exceeding ten years, as is considered advisable.

Interpre-
tation

(2) For the purposes of this section, “works”, in addition to the meaning given to it in section 1, includes preliminary reports, surveys, investigations, engineering, accounting or organization work or service, or any other work or service in connection with or incidental to any proposed construction or development. R.S.O. 1960, c. 300, s. 19.

Management
of funds

20.—(1) The Commission, whenever it considers it advisable for the sound and efficient management of its general fund, may from time to time, in its discretion and on such terms and conditions as it may consider advisable, purchase, acquire, hold and sell or otherwise dispose of any of the following securities:

1. The bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or Ontario or any other province of Canada.
2. The bonds, debentures or other evidences of indebtedness of the United States of America.
3. The bonds, debentures or other evidences of indebtedness of corporations referred to in clauses *c, e, f, g, i*, and *k* of subsection 1 of section 383 of *The Insurance Act* and

in which joint stock insurance companies may invest their funds.

4. The deposit receipts, deposit notes, certificates of deposit and other similar instruments issued by any chartered bank to which the *Bank Act* (Canada) applies.

1953-54,
c. 48 (Can.)

5. The guaranteed investment certificates of any trust company that is registered under *The Loan and Trust Corporations Act*.

R.S.O. 1970,
c. 254

(2) The Commission may deposit from time to time any part of its general fund in any chartered bank of Canada or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act* on such terms and conditions and for such periods as the Commission may consider expedient. 1965, c. 100, s. 2.

Deposit of
funds

21.—(1) The Pension and Insurance Fund of The Hydro-Electric Power Commission of Ontario, in this section called the “fund”, is continued for the payment of benefits by way of pensions or superannuation allowances to, or allowances upon the death or disability of, such employees of the Commission as the Commission may determine in accordance with this section and any regulations made under this section, and for the purposes of this section “employee” includes any member of the Commission who contributes or has contributed to the fund and any person in the employ of the Commission on or after the 1st day of November, 1947. R.S.O. 1960, c. 300, s. 21 (1); 1968, c. 98, s. 1 (1).

Pension and
Insurance
Fund

(2) The fund shall consist of the moneys, securities and other assets in or credited to the fund in accordance with law and such amounts as are contributed thereto by the Commission and its employees.

Composition
of fund

(3) The contributions of the employees towards the cost of the benefits mentioned in subsection 1 shall be as prescribed by the regulations made under this section and be paid into the fund in accordance therewith.

Contri-
butions of
employees

(4) The Commission shall contribute towards the cost of the benefits mentioned in subsection 1 the amount of the difference between the amount of the contributions of the employees and the amount of the cost of the benefits as determined by actuarial valuations.

Contri-
butions of
Commission

(5) The Commission may enter into agreement with one or more insurers licensed under *The Insurance Act*, for,

Insurance
R.S.O. 1970,
c. 224

- (a) providing insurance by way of death or disability benefits for such employees of the Commission as the

Commission may determine in accordance with this section and any regulations made under this section; and

- (b) payment by the Commission of the cost of the benefits mentioned in clause *a*,

and the cost referred to in clause *b* shall be charged by the Commission against the fund. R.S.O. 1960, c. 300, s. 21 (2-5).

Regulations

(6) Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations,

- (a) establishing The Pension and Insurance Plan of The Hydro-Electric Power Commission of Ontario, in this section called the "plan";
- (b) prescribing the class or classes of employees who are eligible to be members of the plan, the time at which membership shall commence, and the period of time thereafter within which an employee may elect not to be a member of the plan;
- (c) providing for the payment out of the fund of the contributions made by any employee to the fund or to either of the funds superseded by the fund where the employee elects not to be a member of the plan;
- (d) prescribing the period of employment with the Commission alone, or with a previous or subsequent employer and the Commission, that constitutes service for the purpose of determining pension benefits;
- (e) providing for the transfer from or to the fund of a pension entitlement and prescribing the terms and conditions upon which pension benefits under the plan in respect of employment with a previous employer may be provided by the transfer to the fund of such a pension entitlement;
- (f) prescribing the persons who may receive benefits under the plan;
- (g) prescribing the contributions to the fund by employees and the rate or rates at which interest shall be calculated when payments are made out of the fund of any such contributions and of any contributions to either of the funds superseded by the fund;
- (h) prescribing the amount for which any employee or pensioner shall be insured from time to time;
- (i) prescribing the payments to be made from the fund, or by an insurer, upon
 - (i) termination of employment,
 - (ii) retirement from employment on pension,

(iii) disability, or

(iv) death,

and the terms and conditions upon which, and the person or persons to whom, such payments shall be made;

(j) providing for payment out of the fund of the cost of any benefits provided under any agreement referred to in subsection 5;

(k) prescribing the intervals of time within which an actuarial valuation of the fund shall be made;

(l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this section. R.S.O. 1960, c. 300, s. 21 (6); 1965, c. 100, s. 3 (1); 1968, c. 98, s. 1 (2).

(7) The fund shall be maintained and administered by the Commission, and the cost to the Commission of maintaining and administering it shall be deemed to be part of the cost of the administration of the Commission and is chargeable accordingly, and the Commission may invest in, purchase, acquire, hold and sell investments and loans authorized by *The Pension Benefits Act* and any regulations made thereunder. 1965, c. 100, s. 3 (2).

Cost to Commission chargeable to administration

R.S.O. 1970, c. 342

(8) The interest of any person in the fund or in any benefit payable therefrom is not subject to garnishment, attachment or seizure or any legal process and is not assignable. R.S.O. 1960, c. 300, s. 21 (8).

No attachment, etc.

22. The Commission, with the approval of the Lieutenant Governor in Council, may enter into agreement with any municipal corporation receiving power from the Commission for including in the fund mentioned in section 21 employees of any commission established under *The Public Utilities Act*, or under this Act, for the management and control of works for the distribution of power in the municipality, upon such terms as to the contribution by the municipal corporation and otherwise as is considered expedient. R.S.O. 1960, c. 300, s. 22.

Municipal employees may be included in fund

R.S.O. 1970, c. 390

REPORT ON WATER POWERS

23. Whenever required by the Lieutenant Governor in Council, the Commission shall inquire into, examine and investigate water powers or water privileges in Ontario and report upon the value and capacity thereof, with such other information as the Lieutenant Governor in Council may require. R.S.O. 1960, c. 300, s. 23.

Commission to report on water powers, etc.

ACQUISITION OF PROPERTIES

24.—(1) The Lieutenant Governor in Council may authorize the Commission at any time and from time to time to acquire by

Power may be given to Commission

purchase, lease, or in any other manner, or without the consent of the owner thereof to enter upon, take possession of, expropriate and use, any land, lake, river, stream or other body of water or watercourse, and temporarily or permanently to divert or alter the boundaries or course of any lake, river, stream or other body of water or watercourse, or raise or lower the level of the same or flood or overflow any land.

Power may
be given to
Commission,

(2) In particular, but without limiting the generality of subsection 1, the Lieutenant Governor in Council, upon the recommendation of the Commission, may authorize the Commission to,

to acquire
lands,
waters,
powers and
works

(a) acquire by purchase, lease or otherwise, land, waters, water privileges, water powers, buildings and works used for, or adapted or useful for, or capable of being used or made useful for generating, transforming, transmitting, distributing or selling power; enter upon, take possession of, expropriate, acquire and use any such land, waters, water privileges, water powers, buildings and works without the consent of the owner thereof, or of any person in any manner entitled to any right, title, interest, claim or demand thereto or therein; and have and hold them however acquired or obtained, and develop, utilize, use, maintain, operate and improve them for any of the purposes of this Act;

to acquire
assets and
undertaking
of com-
panies

(b) acquire by purchase the whole or any part of the property, assets and undertaking of any corporation engaged in the production or sale of power, including shares held or owned by the corporation in any other company or companies of any kind or nature whatsoever, and to acquire the whole or any part of the properties, assets and undertakings of such other company or companies and to hold, develop, utilize, use, maintain, operate and improve any property or properties so acquired;

to acquire
and con-
struct works
for produc-
tion and use
of power

(c) generate and produce power at places in Ontario by the use of water, coal, steam or oil, or by any other means, and transform, transmit, make available for use, distribute, deliver, sell, supply and generally use for the purposes of the Commission such power and connect the works constructed or installed for these purposes with any other power works and with any system;

to acquire
and use real
and personal
property for
the genera-
tion and use
of power

(d) for the purposes of clause c acquire by purchase, lease or otherwise, hold, improve and use real and personal property, acquire by purchase or otherwise water, coal, steam, oil and other supplies, and construct, maintain and operate works, including without limiting the generality of the foregoing, development works, generating

plants, transformer stations, transmission lines, switching and regulating works, distribution lines, access and other roads, and all other equipment, plant and works and things required for or incidental to any of such purposes;

- (e) acquire by purchase, lease or otherwise, lands, works, waters, water privileges and water powers upon or adjacent to the boundary line between Ontario and any other province and situate in Ontario, or in such other province, or partly in one and partly in the other of them, and erect, construct, maintain and operate upon any lands so acquired, works for the generation, transformation and transmission of power, and enter into agreements with the Crown in right of such other province or with any commission appointed by the Lieutenant Governor in Council of such other province or otherwise lawfully appointed or any other person interested in or affected by such works as to the terms and conditions upon which such works shall be constructed and operated and any rights so acquired be exercised; to acquire works on provincial boundaries
- (f) acquire by purchase in the open market or otherwise shares or stock of any company owning or controlling any such lands, waters, water privileges, water powers or works; to acquire shares in companies operating on such boundaries
- (g) construct, maintain and operate, and acquire by purchase, lease or otherwise, or without the consent of the owner thereof or of any person interested therein, enter upon, take possession of, expropriate and use all erections, machinery, plant and other works and appliances for the transmission, transformation, supply and distribution of power, and conduct, store, transmit, transform and supply power for the purposes of this Act, and with lines of wires, poles, conduits, pipes, motors, transformers or other conductors, equipment or devices, receive, conduct, convey, transmit, transform, distribute, supply or furnish such power to or from or for any person at any place, through, over, under, along, upon or across any land, public highway or public place, stream, water, watercourse, bridge, viaduct or railway, and through, over, upon or under the land of any person; to acquire plant for transmitting and transforming power
- (h) contract with any person generating, transmitting or distributing power, or proposing so to do, to supply power to the Commission, and require any person generating, transmitting or distributing power to supply so much thereof as the Commission may require; to contract for supply of power to Commission
- (i) enter upon, take and use, without the consent of the owner thereof, any land upon which any water power or to flood lands and improve water powers

privilege is situate, or any lake, river, stream or other body of water that, in the opinion of the Commission, is capable of improvement or development for the purpose of providing water power, and construct such dams, sluices, canals, raceways and other works as are considered proper or expedient for such purposes, and flood and overflow any land to the extent to which the Commission considers necessary for the purpose of providing storage of the water or for any other purpose in connection with such works, and contract with any municipal corporation, company or individual for the use of any of the improvements or works so made, on such terms and conditions as may be agreed upon;

to acquire
flooded lands
on behalf of
municipality

- (j) enter upon, take and use, without the consent of the owner thereof, any land that may, in the opinion of the Commission, be necessary for the full enjoyment and exercise of any water right, water privilege or improvement undertaken by the Commission or by any municipal corporation or for the relief of the municipal corporation from liability for damages for the flooding or overflowing of such lands; but subject to subsection 1 of section 41, the proceedings taken under this clause shall be at the sole expense of the municipal corporation, and the Commission may convey the lands so acquired to the municipal corporation or make such other disposition thereof with the consent of the municipal corporation as is considered expedient;

to acquire
distributing
plant

- (k) acquire by purchase or expropriate any plant, machinery, appliances, wires, poles and other equipment, and the land occupied by or used in connection therewith or any part thereof, used or intended for the distribution of power in a municipality whose corporation has entered into an agreement with the Commission for the supply of power and contract for the sale and transfer to such municipal corporation of such plant, equipment and land upon such terms and for such price, not being less than the price paid by the Commission, with the expenses in connection with such purchase or expropriation added thereto, as may be agreed upon;

to acquire
shares in
corporations

- (l) acquire from time to time by purchase in the open market or otherwise, shares or stock in or the securities of any corporation carrying on the business of developing, distributing or transmitting power and for the purposes of this Act the acquisition of such shares, or stock, or securities is an investment in works;

to acquire
stock in
development
corporations

- (m) acquire by purchase or otherwise on any terms and hold shares in any corporation carrying on the business of developing, supplying or transmitting power, and in

connection with any such acquisition enter into any covenants and agreements, and pay for any such shares either in cash or in bonds, debentures or other securities of the Commission, and guarantee, or covenant or agree for or in respect of the payment or performance of any bonds, debentures, securities, contracts or obligations of any corporation whose shares are so acquired, or of any corporation whose shares are held by any corporation whose shares are so acquired, and for the purposes of this Act the acquisition of shares of such corporations shall be deemed to be an investment in works;

- (n) lease or operate the works for the generation, transmission, distribution or use of power of any person, firm or corporation on such terms as the Commission arranges with the owner. to lease or operate works of others

(3) In relation to all matters authorized by the Lieutenant Governor in Council under this section, the Commission has and may exercise and enjoy, in addition to the powers conferred by this or any other Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act*, and in the application of this section, where the words "the Minister", "the Department", "Her Majesty" or "the Crown" appear in that Act, they, where the context permits, mean the Commission and where land or property is taken compulsorily by the Commission, such taking shall be deemed to be for the public purposes of Ontario. The Commission has powers of Minister of Public Works R.S.O. 1970, c. 393

(4) The Lieutenant Governor in Council may direct that any authorization to the Commission heretofore or hereafter given be retroactive, in which case the authorization shall be deemed to have taken effect from the time so fixed. Authorizations may be retroactive

(5) No act or proceeding of the Commission pursuant to any authorization of the Lieutenant Governor in Council under this section shall be restrained by injunction or other process or proceeding in any court. Exercise of powers not to be enjoined, etc.

(6) *The Regulations Act* does not apply to any authorization by the Lieutenant Governor in Council under this section. R.S.O. 1960, c. 300, s. 24 (7-9). R.S.O. 1970, c. 410 not to apply

25. Subject to the approval of the Lieutenant Governor in Council and notwithstanding any agreement between the Commission and any person, the Commission may change the periodicity in alternations of current at which it supplies power to any person. R.S.O. 1960, c. 300, s. 25. Change of frequency

26. Subject to the approval of the Lieutenant Governor in Council, the Commission may, Powers of Commission on frequency change-over

- (a) for the purposes of standardizing and making uniform the periodicity in alternations of current at which it supplies power, alter, reconstruct, rebuild, reassemble, construct, extend, replace or do whatever else may be necessary in respect of its works, works held by it under section 84 and, with their consent, works wherever situate of other persons who are supplying or purchasing or otherwise delivering or accepting delivery of power to or from the Commission;
- (b) for the purposes of standardizing and making uniform the periodicity in alternations of current at which power generated or procured by it is utilized and with the consent of the owner, alter, reconstruct, rebuild, reassemble, construct, extend, replace or do whatever else may be necessary in respect of the equipment, apparatus, appliances, devices and works of any person by which such power is taken and used, except meters of any municipal corporation or commission or the equipment, apparatus, appliances, devices or works of any municipal corporation or commission used for distribution stations or distribution or street lighting systems;
- (c) bear the expense of anything done under clause *a*;
- (d) bear the expense of anything done under clause *b* to the equipment, apparatus, appliances, devices or works of commercial lighting consumers, or domestic or rural consumers other than rural power consumers;
- (e) charge to and collect from the owners of equipment, apparatus, appliances, devices or works other than the equipment, apparatus, appliances, devices or works mentioned in clause *d* the expense of anything done thereto under clause *b* to the extent approved by the Lieutenant Governor in Council and bear the balance of such expense. R.S.O. 1960, c. 300, s. 26; 1961-62, c. 106, s. 4.

Frequency
standardiza-
tion by
municipalities

27.—(1) The powers of the Commission under clause *b* of section 26 with respect to the equipment, apparatus, appliances, devices and works of any person to whom a municipal corporation or commission supplies power that is supplied to it by the Commission may, with the assent of the Commission, be exercised by the municipal corporation or commission.

Where
Commission
may bear
cost

(2) Where pursuant to subsection 1 the powers are exercised by a municipal corporation or commission in respect of the equipment, apparatus, appliances, devices or works mentioned in clause *d* of section 26, the Commission may bear the expense thereof.

(3) Where under subsection 1 the powers are exercised by a municipal corporation or commission in respect of equipment, apparatus, appliances, devices or works other than those mentioned in clause *d* of section 26, such portion of the expense as the Commission could have charged to and collected from owners of the equipment, apparatus, appliances, devices or works if the Commission had exercised the powers itself, may, with the assent of the Commission, be charged to and collected from the owners by the municipal corporation or commission and the balance borne by the Commission. R.S.O. 1960, c. 300, s. 27.

Where cost
may be
apportioned

28. The Commission may do whatever will in its opinion effect a reduction in the cost of anything done or to be done under clause *a* or *b* of section 26. R.S.O. 1960, c. 300, s. 28.

Reduction
of cost of
frequency
change-over

29. Where the owner of any equipment, apparatus, appliances, devices or works by which is utilized power generated or procured by the Commission changes them with the approval of the Commission in order to take the power at a changed periodicity in alternations in current, the Commission may bear the expense of the change to the same extent as if it had effected the change itself under clause *b* of section 26. R.S.O. 1960, c. 300, s. 29.

Change
made by
owner

30. Equipment, apparatus, appliances, devices or works, or any part thereof, replaced by the Commission under clause *b* of section 26 becomes the property of the Commission. R.S.O. 1960, c. 300, s. 30.

Ownership
of replaced
equipment

31. Nothing done under section 25 shall be deemed to be a breach of contract by the Commission or entitles any person to rescind any agreement or release any guarantor from the performance of his obligation. R.S.O. 1960, c. 300, s. 31.

Conversion
not a breach
of contract

32.—(1) No action shall be brought against any person in respect of anything done under section 25, 26, 27 or 28 after the expiration of one year commencing on the date when the cause of action rose.

Limitation
of actions
arising from
frequency
change-over

(2) No action shall be brought against any person in respect of anything done under section 25, 26, 27 or 28 unless notice in writing of the claim has been served upon or sent by registered mail to such person within ninety days after the cause of action arose.

Notice of
claim

(3) No action shall be brought against any person, and no person is liable for loss of use of anything, or loss of production of or by anything, or loss of profits by reason of anything done under section 25, 26, 27 or 28.

No right
of action
in certain
cases

Saving

(4) Subsections 1 and 2 do not apply to any action between the Commission and any person arising from any agreement between the Commission and such person for the doing by such person for the Commission of anything under section 25, 26, 27 or 28. R.S.O. 1960, c. 300, s. 32.

Mode of exercising and extent of powers

33.—(1) Whenever the Commission has been authorized by the Lieutenant Governor in Council to exercise any of its powers with respect to conducting, conveying, transmitting, distributing, supplying, furnishing or delivering power, it may enter upon, take possession of and use for such time as the Commission considers desirable any land that the Commission considers to be required for the due exercise of any of its powers with respect to conducting, conveying, transmitting, distributing, supplying, furnishing or delivering of power, and may construct upon the land any works requisite for any such purpose. R.S.O. 1960, c. 300, s. 33 (1, 2), *amended*.

Removal of trees and obstructions beside right of way

(2) The powers conferred upon the Commission by or under this Act include the right to enter upon any land upon either side of the right of way acquired for the transmission or distribution lines or works of the Commission, or upon any land upon either side of such lines or works, and to fell or remove any trees or branches thereof or any other obstruction upon any such land or upon any public highway or place that, in the opinion of the Commission, it is necessary to fell or remove. R.S.O. 1960, c. 300, s. 35, *amended*.

Application of R.S.O. 1970, c. 154

34. Where a power exercised under section 24 or 33 constitutes an expropriation or injurious affection, *The Expropriations Act* applies. R.S.O. 1960, c. 300, s. 33 (3), *part, amended*.

Compensation for damage

35.—(1) Where a power exercised under section 24 or 33 does not constitute an expropriation or injurious affection, compensation shall be paid to the owner for all damage to property resulting from the exercise of the power in accordance with this section, but where the lines or works of the Commission are situate upon a highway, whether it be the King's Highway or any other highway, compensation is payable only to the extent to which it is payable by a municipality for felling or removing trees or branches thereof under section 457 of *The Municipal Act*. R.S.O. 1960, c. 300, s. 33 (3), *part; s. 35, part, amended*.

R.S.O. 1970, c. 284

Appointment and powers of board of valuation

(2) The Lieutenant Governor in Council may from time to time appoint a board of valuation consisting of as many members as he from time to time determines, one of whom shall be named chairman, who shall receive their reasonable and necessary travelling and other expenses and such fees as may be fixed by the Lieutenant Governor in Council, and the same shall be paid by

the Commission as part of its general administration expense, and, when no agreement is arrived at as to the amount of compensation to be paid to the owner, the board of valuation shall, as soon as conveniently may be after a request to them either from the owner or the Commission, make such inquiries and inspection and procure such expert advice as they may think desirable and fix and determine the compensation to be paid for such property damage, and notify by registered mail the owner and the Commission of such findings, and three members of the board of valuation shall form a quorum and be sufficient for the exercise of all the jurisdiction and powers of the board.

(3) Either the owner or the Commission, if dissatisfied with the amount of the compensation so fixed, may appeal within sixty days after the mailing of the notice of finding by the board of valuation by giving notice to the other that an appeal is desired.

Appeal from
valuator

(4) An appeal from the board of valuation shall be heard and determined by the Ontario Municipal Board or a member thereof, provided however that the Lieutenant Governor in Council may from time to time designate a judge of the Supreme Court or a judge of a county or district court to hear and dispose of any such appeal or appeals, and where the Commission gives notice to the owner that an appeal is to be determined by a judge instead of by the Board or a member thereof, the judge designated shall hear and determine such appeal, and if a judge is so designated he shall receive his reasonable and necessary travelling expenses and such fee as is fixed from time to time by the Lieutenant Governor in Council and the same shall be paid by the Commission as part of its general administration expense.

Who to hear
appeals

(5) The judge or Board or member thereof, as the case may be, shall appoint such time and place and give such notice of the hearing of appeals as is thought proper and most convenient and the judge or Board or member thereof has for the purposes of this section all the powers that are conferred upon the Ontario Municipal Board by sections 34 and 37 of *The Ontario Municipal Board Act* and the provisions of that Act with respect to procedure and the enforcement of orders made thereunder from time to time apply *mutatis mutandis*.

Powers of
judge or
Board on
appeal

R.S.O. 1970,
c. 323

(6) In the notice of appeal the appellant shall set out the amount that the appellant deems proper to have been fixed by the board of valuation and if, where the owner is the appellant, he fails to recover anything more than the amount fixed by the board of valuation, or if, where the Commission is the appellant, it fails to have the amount so fixed reduced, then the costs of the proceedings as between party and party are payable by the appellant, and if, under this subsection, the costs are payable to the Commission, they may be deducted from the compensation payable.

Costs of
appeal

Scale of
costs

(7) The costs of the proceedings may be fixed by the judge or Board or member thereof at such amount as is considered proper, due regard being had to the difference between the amount fixed by the board of valuation and the amount awarded by the judge or Board or member thereof, or may be directed to be taxed upon the scale of the small claims, county or Supreme Court scale, as the case may be, and, if it appears on such appeal that the claim to compensation put forward by the owner is grossly excessive, and the expense of the Commission has been thereby increased, the judge or Board or member thereof may fix and allow to the Commission by way of set-off against such costs as are awarded to the owner hereunder, the amount of such excess expense. R.S.O. 1960, c. 300, s. 33 (5-10).

Mode of
perfecting
title

(8) The owner shall, upon reasonable notice which, if written, may be given by mailing it by registered mail addressed to him at his last known place of residence, attend at a place to be fixed by the Commission and execute such necessary instruments or documents as the Commission requires upon tender to him of the Commission's cheque for the amount awarded by the judge or Board or member thereof or fixed by the board of valuation, and costs, if any, less such costs as have been awarded against him. R.S.O. 1960, c. 300, s. 33 (11), *amended*.

Appeals

(9) The Commission or the owner may, subject to subsection 2 of section 36, appeal to the Court of Appeal from the order of the judge or the Board or member thereof. R.S.O. 1960, c. 300, s. 34 (1), *amended*.

R.S.O. 1970,
c. 323
to apply

(10) Where the appeal is taken under subsection 9, section 95 of *The Ontario Municipal Board Act* as to appeals from the Board applies. R.S.O. 1960, c. 300, s. 34 (2).

Owner to
give notice
of crop
damage

36.—(1) Notwithstanding section 35, where a claim is made against the Commission for damage to crops, gardens, shrubs, trees or other growing things, caused by or incidental to the construction, maintenance or repair of poles, wires, towers or works included in or connected with power transmission lines, notice of the claim shall be given in writing, signed by the claimant at as early a date as possible, so that the nature, character, extent and evidence of the damage may still be apparent, and in any case not later than sixty days after the cause for complaint arose.

Effect of
failure to
give notice

(2) If a claim is made after the time limited by subsection 1 and the claimant failed to give the notice therein required, either the Commission or the owner may, notwithstanding such failure, request the board of valuation to attend and investigate the damage complained of, and the board of valuation, if satisfied that there was reasonable excuse for the failure to give or the insufficiency of the notice and that the Commission was not

thereby prejudiced, may award such compensation as appears to him to be just, and in that event the finding of the board of valuation is final and binding upon the owner and the Commission. R.S.O. 1960, c. 300, s. 36.

37. In the exercise of the powers conferred and in carrying out any work authorized by this Act or any other general or special Act, the Commission has and always has had authority to put down, carry, construct, erect and maintain such conduits, wires, poles, towers and other equipment and works used in the generation, transmission or distribution of power as it considers necessary or desirable, under, along, across or upon any public street or highway and to remove or replace them without taking any of the proceedings prescribed by *The Expropriations Act* for the taking of land without the consent of its owner, and the provisions of *The Expropriations Act* with regard to compensation do not apply, but the location of any such conduits, wires, poles, towers, equipment or works to be put down, carried, constructed or erected under, along, across or upon a public street or highway shall be agreed upon by the Commission and the municipal corporation or other authority having control of the public street or highway, and in case of disagreement shall be determined by the Ontario Municipal Board. R.S.O. 1960 c. 300, s. 37, *amended*.

Powers of Commission as to lines on highways

R.S.O. 1970, c. 154

38.—(1) Subject to *The Expropriations Act*, the Commission may expropriate, purchase, lease or otherwise acquire lands that the Commission considers necessary for office, service, or other buildings and may erect thereon such buildings and works as the Commission requires for its purposes. R.S.O. 1960, c. 300, s. 38 (1), *amended*.

Buildings

(2) All expenditures by the Commission for the purposes mentioned in subsection 1 are repayable to the Commission by the municipal corporations having contracts with the Commission, and shall be repaid by annual sums sufficient to form in forty years a sinking fund for the repayment of the cost thereof. R.S.O. 1960, c. 300, s. 38 (2).

Expense repayable by municipalities

39.—(1) The Commission, upon such terms as it considers proper, may lease, sell or otherwise dispose of to a municipal corporation or commission any works or any interest therein that the Commission is or has been using and that it considers advisable to so dispose of.

Disposal of works to a municipality

(2) The Commission may acquire from a municipal corporation or commission by purchase, lease or otherwise, upon such terms as the Commission considers proper, any works or other property, real or personal, that the Commission considers advisable for its purposes and such municipal corporation or commission

Acquiring property from municipality

may lease, sell or otherwise dispose of such works or other property to the Commission without the assent of the electors or the approval of the Ontario Municipal Board required by section 37 of *The Public Utilities Act*, but otherwise such municipal corporation or commission shall comply with that section.

R.S.O. 1970,
c. 390

Joint use
of works

(3) The Commission, upon such terms as it considers proper, may contract with any corporation, firm or person for joint ownership or joint use of works or for rights to use the works of any corporation, firm or person or to permit any corporation, firm or person to use works of the Commission, and for the purposes of this subsection, works include telephone and telegraph lines and other communication works either of the Commission or of any other corporation, firm or person in addition to the things mentioned in clause *h* of section 1.

Sale of
property

(4) The Commission may, upon such terms as it considers proper, sell, lease or otherwise dispose of any property, real or personal, that it finds unnecessary for its purposes. R.S.O. 1960, c. 300, s. 39.

Use of right
of way

(5) The Commission may contract with a railway company or power or transmission company for the use of its right of way and property for the purposes of the Commission. R.S.O. 1960, c. 300, s. 72 (5).

Powers of
expropri-
ation
1951, c. 55;
1952
(2nd Sess.),
c. 3

40. The compulsory powers conferred by this Act or by *The Niagara Development Act, 1951* or by *The St. Lawrence Development Act, 1952* (No. 2) extend to land, works, rights, powers, privileges and property notwithstanding anything in this Act or in any general or special Act and notwithstanding that they are or may be deemed to be devoted to a municipal or any other public use or that the owner thereof possesses the power of taking land compulsorily and notwithstanding the origin, nature or sources of the owner's title thereto, whether statutory or otherwise or the manner whereby it was acquired by the owner or by any of his predecessors in title. R.S.O. 1960, c. 300, s. 41.

Adjustment
of propor-
tions of cost
of works on
waters

41.—(1) Where in the exercise of the powers conferred by this Act the Commission constructs any works or improvements upon any lake, river, stream or other body of water, the Lieutenant Governor in Council may direct a judge of the Supreme Court or the judge of a county or district court to inquire into and determine the proportion in which any municipal or other corporation, company or individual owning a water power or water power site, whether developed or not, is benefitted by such works or improvements, and the judge may make an order fixing the proportion in which the cost of such works and improvements shall be borne by any such municipal or other corporation, company or individual and by Ontario respectively.

(2) The judge, upon an inquiry under this section, has the like powers as a judge sitting in court, including the power to compel the attendance of witnesses, to hear evidence on oath and to require the production of books, papers, documents, matters and things, and the order of the judge is enforceable in the manner provided by *The Judges' Orders Enforcement Act*.

Powers of
judge on
inquiry

R.S.O. 1970,
c. 227

(3) No costs shall be awarded to any party appearing before the judge or otherwise interested in the inquiry.

Costs

(4) The judge shall be paid such fees and expenses as are fixed by the Lieutenant Governor in Council.

Fees and
expenses

(5) For the purposes of this section, the cost of the works or improvements shall be deemed to include all expenditures, charges and expenses as fixed by the Commission made or incurred by it in respect of the construction of such works or improvements, extensions and additions thereto, interest charges, operating expenses, repairs and maintenance, down to the date of the order of the judge, the fees and expenses of the judge and the expenses incurred by the Commission in connection with the inquiry.

Costs of
works, etc.,
what to
include

(6) Any municipal or other corporation, company or individual affected by the order made under subsection 1 may, with the consent in writing of the Commission, appeal from such order to the Court of Appeal.

Appeal

(7) The Commission may establish a sinking fund to be provided by the parties in the proportions directed by the order of the judge sufficient to discharge and pay off the cost of such works or improvements and such of the capital cost as may be incurred from time to time by the Commission after the date of the order of the judge within such periods as the Commission fixes having regard to the life of such works or improvements and not exceeding forty years.

Sinking fund

(8) The Commission shall, subsequent to the order of the judge, annually fix and determine the cost, charges or expenses incurred by it from time to time in the operation, maintenance, repair and renewal of such works and shall apportion and charge the same against the parties in the proportions fixed by the order of the judge, together with the payments in respect of sinking fund hereinbefore mentioned and the amounts so charged are payable on demand recoverable in the manner hereinafter provided.

Annual
apportion-
ment of
costs by
Commission

(9) In fixing the amounts so payable the Commission shall give credit for any amount theretofore contributed to the cost of such works and improvements by a municipal or other corporation or by any company or individual.

Allowance
for previous
expenditure

Recovery of
amount
assessed

(10) The amount so found payable by a municipal corporation is recoverable in the like manner as in the case of a charge for any other service rendered by the Commission to a municipal corporation and in the case of any other corporation or of a company or an individual the amount so found due constitutes a debt due to the Commission and is recoverable in any court of competent jurisdiction from the owners from time to time of the lands so found by the order of the judge to be benefitted by such works or improvements and constitutes a lien or charge upon such lands enforceable in the same manner and by the same proceedings as nearly as may be as in the case of a charge in favour of the Crown.

Share of
Ontario,
how
payable

(11) Where a proportion of the cost of such works and improvements is to be borne by the Province of Ontario, the amount due from time to time in respect thereof is payable out of the moneys appropriated by the Legislature for that purpose.

Effect of
order

(12) When the proportions in which the cost of such works or improvements is to be borne have been fixed by order of the judge or of the Court of Appeal, such order is final and binding unless it appears to the Commission that owing to change of circumstances or conditions in respect of such works or improvements it is equitable that there should be a readjustment of the proportions theretofore fixed by the order of the judge, and in that case, upon the application of any person liable to contribute to the cost of such works or improvements, made with the consent in writing of the Commission, the judge may make further inquiry and may readjust such proportions to be thereafter applied in such manner as he considers just and equitable, subject to appeal as hereinbefore provided. R.S.O. 1960, c. 300, s. 42.

R.S.O. 1970,
c. 246, not
applicable

42. Where possession of land of the Commission has been taken by some other person, the right of the Commission, or anyone claiming under it, to recover it, is not barred by reason of the lapse of time, notwithstanding *The Limitations Act*, or any other Act of the Legislature, or by reason of any claim based on possession adverse to it for any period of time that might otherwise be made lawfully at common law, unless it is shown that the Commission had actual notice in writing of such adverse possession, and such notice was had by it ten years before it or the person claiming under it commenced action to recover such land; provided that no claim shall be acquired by possession, prescription, custom, user or implied grant to any way, easement, watercourse or use of water or water right or privilege or flooding privilege of the Commission, or to any way, easement, watercourse, or use of water, or right of drainage along, over, upon, on or from any land, or water, or water right, or privilege of the Commission, notwithstanding *The Limitations Act* or any other Act of the Legislature or any claim at common law based on lapse of time, or length of enjoyment or use. R.S.O. 1960, c. 300, s. 43.

43. Notwithstanding any other Act, where any right, interest, way, privilege, permit or easement has heretofore been, or is hereafter acquired by the Commission, in, through, over, under, along, upon, across or affecting any land, unless it is otherwise agreed, the land continues subject thereto for the term thereof and it is binding upon the owner at the time of acquisition and all subsequent owners of the land until expiration or release by the Commission. R.S.O. 1960, c. 300, s. 44.

Continuance of easements, etc.

44. Notwithstanding this Act or any other general or special Act, where works of the Commission have been affixed to realty they remain subject to the rights of the Commission as fully as they were before being so affixed and do not become part of the realty unless otherwise agreed by the Commission in writing. R.S.O. 1960, c. 300, s. 45.

Ownership of works retained

45.—(1) Every person who without the consent of the Commission nails or otherwise attaches anything, or causes anything to be nailed or otherwise attached to or upon any property of the Commission is guilty of an offence and on summary conviction is liable to a fine of not less than \$5 and not more than \$10.

Affixing signs on property prohibited

(2) The fines recovered for offences against subsection 1 shall be paid over to the Commission. R.S.O. 1960, c. 300, s. 46.

Disposition of fines

TAXATION

46. Notwithstanding any other Act, where land that was or is subject to easements, ways, rights of way or entry, flooding rights, licences or rights to maintain works thereon, owned by or belonging to the Commission, has been or is sold for taxes, or in respect of which a tax arrears certificate has been or is registered, such easements, ways, rights of way or entry, flooding rights, licences, or rights to maintain works shall be deemed not to have been or be affected by the sale or registration. R.S.O. 1960, c. 300, s. 47.

Easement over lands sold for taxes not affected

47.—(1) Notwithstanding *The Assessment Act* or any other general or special Act the Commission and its property is not subject to taxation for municipal or school purposes, except for local improvements.

Tax exemption R.S.O. 1970, c. 32

(2) The Commission shall pay in each year to any municipality in which are situated lands owned by and vested in the Commission or buildings used exclusively for executive and administrative purposes and owned by and vested in the Commission or buildings owned by and vested in the Commission and rented by the Commission to other persons the total amount that all rates, except, subject to subsections 4 and 5, rates on business assess-

Annual payments to municipalities

ment, levied in that municipality for taxation purposes based on the assessed value of the land at the actual value thereof according to the average value of land in the locality and the assessed value of such buildings would produce. R.S.O. 1960, c. 300, s. 48 (1, 2).

Idem

(3) In addition to the amounts payable under subsection 2, the Commission shall pay in each year to any municipality in which are situated generating station buildings or transformer station buildings owned by and vested in the Commission the total amount that all rates except, subject to subsections 4 and 5, rates on business assessment, levied in that municipality for taxation purposes would produce based on an assessed value of such buildings to be determined on the basis of \$8 for each square foot of inside ground floor area of the actual buildings housing the generating, transforming and auxiliary equipment and machinery multiplied by the equalization factor used in that year by the Department of Municipal Affairs. R.S.O. 1960, c. 300, s. 48 (3); 1968, c. 98, s. 2.

Idem

(4) The Commission shall also pay the amount that the current rates for business assessment levied on assessment on,

- (a) lands owned by and vested in the Commission;
- (b) buildings used exclusively for executive and administrative purposes and owned by and vested in the Commission; and
- (c) generating station buildings and transformer station buildings owned by and vested in the Commission,

would produce, based on 60 per cent of the assessed value of such land and buildings as calculated and determined under subsections 2 and 3.

Idem

(5) The Commission shall also pay the amount that the current rates on business assessment would produce on land and buildings owned or occupied by the Commission for carrying on the business of selling by retail electrical goods, supplies or appliances.

Limitation

(6) Notwithstanding subsections 2, 3, 4 and 5, the total amount payable thereunder by the Commission to any municipality in any year shall not exceed 50 per cent of the total of the amounts required for the purposes of the municipality and of all of its local boards being raised by the imposition, rating and levying of all rates, assessments and taxation, except local improvement rates, upon rateable property in the municipality in that year. R.S.O. 1960, c. 300, s. 48 (4-6).

Distribution
of payments,
municipal
portion

(7) Subject to subsections 8 and 9, the payments received under subsections 2, 3, 4 and 5 shall be credited by the municipal corporation to its general fund.

(8) The portion of the payments received under subsections 2, 3, 4 and 5 that is attributable to levies for county purposes shall be paid by the municipal corporation to the county that would have been entitled thereto if the land had been assessed and taxed in the usual way.

Idem,
county
portion

(9) The portion of the payments received under subsection 2 in respect of dwelling houses, including farm properties, rented by the Commission to other persons that is attributable to levies for elementary or secondary school purposes, shall be paid by the municipal corporation to the school boards that would have been entitled thereto if the land had been assessed and taxed in the usual way, and for the purposes of this subsection the tenants of such dwelling houses and farm properties shall be deemed to be rated as tenants on the assessment roll of the municipality.

Idem,
elementary
or secondary
school
portion

(10) The valuations made under this section shall be used for the purpose of computing county rates, school rates and legislative grants in all respects as though the properties valued were not exempt from taxation for such purposes.

Use of
valuations
for com-
puting rates

(11) Where a school board is entitled to a payment under subsection 8 with respect to the property in which a pupil resides with his parent or guardian, any child whose parent or guardian is the tenant of the property shall be deemed to be a resident pupil under the jurisdiction of such school board. 1960-61, c. 78, s. 1.

Pupil's
status

(12) The assessments and assessed values referred to in this section are valuations made in each year for the purposes of this section by the Department of Municipal Affairs, and subject to subsections 2, 3, 4 and 18 the valuations shall be made on the same basis as real property liable for municipal taxation in the municipality.

Valuation

(13) The decision of the Minister of Municipal Affairs as to whether this section applies to any property of the Commission is final.

Minister's
decision

(14) The Department of Municipal Affairs shall, on completion of the valuation of the Commission's property in a municipality, deliver or mail to the clerk of the municipality and to the Commission a notice setting out the valuations referred to in subsection 12.

Valuation
notice

(15) The municipality or the Commission may appeal to the Ontario Municipal Board against the valuation and a notice of appeal to the Board under this subsection shall be sent by the party appealing, by registered mail, to the secretary of the Board within twenty-one days after the notice of the valuation has been delivered or mailed under subsection 14.

Appeals

- Hearing (16) Upon receipt of a notice of appeal under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the appeal and shall send notice thereof to all parties concerned in the appeal at least fourteen days before the hearing.
- Jurisdiction on appeal (17) The Ontario Municipal Board upon appeal shall determine the amount at which the property in question shall be valued and its decision is final and binding and there is no appeal therefrom.
- Exemptions (18) In making the valuations referred to in subsection 12, there shall be no value included for machinery whether fixed or not nor for the foundation on which it rests, works, structures other than buildings referred to in subsection 2, 3 or 5, substructures, superstructures, rails, ties, poles, towers, lines nor any of the things excepted from exemption from taxation by paragraph 17 of section 3 of *The Assessment Act*, nor for other property, works or improvements not referred to in subsection 2, 3 or 5, nor for an easement or the right or use of occupation or other interest in land not owned by the Commission. R.S.O. 1960, c. 300, s. 48.
- R.S.O. 1970, c. 32

ADVANCES AND LOANS

- Government authorized to raise funds for work of Commission R.S.O. 1970, c. 166; 1951, c. 55; 1952 (2nd Sess.), c. 3
- 48.** The Lieutenant Governor in Council may raise by way of loan in the manner provided by *The Financial Administration Act* such sums as he considers requisite for the purposes of this Act and of *The Niagara Development Act, 1951* and of *The St. Lawrence Development Act, 1952 (No. 2)*, and the sums so raised may either be advanced to the Commission or applied by the Treasurer of Ontario in the purchase of notes, bonds, debentures or other securities of the Commission issued by the Commission under this Act. R.S.O. 1960, c. 300, s. 49.
- Payment over to Commission of moneys appropriated
- 49.** Where the Legislature has appropriated money for the purposes of the Commission, such money is payable out of such appropriation to the Commission from time to time upon the requisition of the chairman of the Commission and the direction of the Lieutenant Governor in Council, in such amounts and at such times as are stated in the requisition and direction, and this section has effect notwithstanding that there may be sums due from the Commission to the Province of Ontario and notwithstanding anything in *The Audit Act*. R.S.O. 1960, c. 300, s. 50.
- R.S.O. 1970, c. 36
- Where appropriation is exhausted, special warrant may issue
- 50.** Where the appropriation made by the Legislature for any work of the Commission becomes exhausted in a fiscal year and the chairman of the Commission reports to the Lieutenant Governor in Council that it is necessary and expedient that such work be proceeded with and that an additional amount is required

for that purpose, the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by the Lieutenant Governor for the issue of the amount estimated to be required in such fiscal year, and, when issued, such amount shall be placed by the Treasurer of Ontario to the credit of a special account against which cheques may be issued in favour of the Commission for such sums as are required. R.S.O. 1960, c. 300, s. 51.

51.—(1) The advances received by the Commission before the 1st day of January, 1951, under sections 48, 49 and 50 are repayable during the twelve-month period ending the 31st day of October, in the years

Repayment
of advances

1961—\$15,492,724.75	1967—\$1,403,485.50
1962— 1,457,165.95	1968— 1,462,764.52
1963— 1,519,463.70	1969— 1,060,733.64
1964— 1,583,069.40	1970— 1,106,410.72
1965— 1,649,394.10	1971— 701,051.95
1966— 1,718,816.64	

(2) Notwithstanding any other provision in this Act, the Commission may in addition to the repayments provided for under subsection 1 make further repayments on account of the advances by the Province of Ontario to the Commission from time to time out of funds in its hands. R.S.O. 1960, c. 300, s. 52.

Further
repayment

52. The Commission in respect of advances received by it before the 1st day of January, 1951, shall pay annually to the Treasurer of Ontario, as interest on the indebtedness of the Commission to the Province of Ontario, such sum as is from time to time determined by the Lieutenant Governor in Council to be sufficient to reimburse the Province of Ontario the full amount of interest paid by the Government on moneys raised for the purposes of the Commission and the charges incurred by the Government in providing such money. R.S.O. 1960, c. 300, s. 53.

Interest on
advances by
Province

53. All advances made by the Province of Ontario to the Commission after the 1st day of January, 1951, shall be made on such terms and conditions as are agreed upon between the Commission and the Treasurer of Ontario, and without limiting the generality of the foregoing, the Commission, in consideration of any advance, may,

Advances to
be made on
terms and
conditions
agreed upon

- (a) issue and deliver to the Treasurer of Ontario notes, bonds, debentures or other securities of the Commission for the same principal amount, maturing on the same date or dates, bearing interest at the same rate or rates and payable as to both principal and interest in the same currency or currencies as the debentures or other securi-

ties of the Province of Ontario issued for the purpose of raising the moneys advanced by the Province of Ontario to the Commission, and containing such other terms and conditions, if any, as to redemption in advance of maturity or otherwise as the Treasurer of Ontario approves; and

- (b) agree to reimburse the Province of Ontario all charges and expenses incurred or to be incurred by the Province of Ontario in connection with the creation and issue of such debentures or other securities of the Province of Ontario and the payment from time to time of the interest thereon and of the principal thereof whether at maturity or on redemption before maturity and of the amount of the premium, if any, on redemption, and such other charges and expenses as the Province of Ontario incurs. R.S.O. 1960, c. 300, s. 54.

General
borrowing
powers

54.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may borrow from time to time such sums of money as it may consider requisite for any of its purposes and, for the purpose of such borrowing, may issue notes, bonds, debentures and other securities bearing interest at such rate or rates, and payable as to principal, interest, and premium if any, at such time or times and in such manner and in such place or places in Canada or elsewhere, and in the currency of such country or countries, as the Commission may determine, and such notes, bonds, debentures and other securities may be made redeemable in advance of maturity, at such time or times, and at such price or prices, and in such manner, and either with or without premium, as the Commission may determine at the time of the issue thereof.

Idem

(2) Where, pursuant to subsection 1, the Commission, with the approval of the Lieutenant Governor in Council, has passed a resolution authorizing the borrowing of money by the issue from time to time of notes, bonds, debentures or other securities maturing not later than three years from the respective dates thereof and bearing interest at a rate or rates not exceeding the maximum rate of interest specified in the resolution, the Commission without any further approval of the Lieutenant Governor in Council may subsequently and from time to time authorize the issue of such notes, bonds, debentures or other securities, within the maximum principal amount prescribed by such resolution, bearing such respective dates, maturing not later than three years from such respective dates, and bearing interest at such respective rates not exceeding the said maximum interest rate, as the Commission in its discretion may from time to time determine.

Purposes of
Commission

(3) The purposes of the Commission, without limiting the generality thereof, include,

- (a) repayment on account of the advances by the Province of Ontario to the Commission;
- (b) payment in whole or in part of any notes, bonds, debentures or other securities of the Commission issued and delivered to the Treasurer of Ontario in respect of any advances from the Province of Ontario to the Commission;
- (c) payment, refunding or renewal from time to time of the whole or any part of any loan raised or securities issued by the Commission under this or any other Act;
- (d) payment of the whole or any part of any loan or of any liability or of any notes, bonds, debentures or other securities, payment whereof is guaranteed or assumed by the Commission;
- (e) payment of the whole or any part of any other liability or indebtedness of the Commission; and
- (f) carrying out any of the powers and purposes of the Commission referred to in sections 24 to 29, 38 and 84, or carrying out any of the powers and purposes of the Commission referred to in *The Niagara Development Act, 1951* or in *The St. Lawrence Development Act, 1952* (No. 2) providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes.

1951, c. 55
1952
(2nd Sess.),
c. 3

(4) Where a resolution of the Commission authorizing the issue of securities contains a recital or declaration that the amount of the securities so authorized is necessary to realize the net sum required for the purposes of the Commission, the recital or declaration is conclusive evidence of the facts stated therein.

Resolution
conclusive

(5) The Commission may sell or otherwise dispose of any such notes, bonds, debentures and other securities at such price or prices, and on such terms and conditions, as it considers advisable, and either at the par value thereof or at less or more than the par value thereof, and may charge, pledge, hypothecate, deposit or otherwise deal with any such securities as collateral security.

Commission
may sell
or pledge

(6) Any such securities dealt with as collateral security when redelivered to the Commission or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which such securities may have been given as collateral, or when the Commission again becomes entitled to such securities, may be treated by the Commission as

Reissue of
securities

unissued and may be issued, reissued, charged, pledged, hypothecated, deposited, dealt with as collateral security, sold or otherwise disposed of from time to time upon such terms and conditions as the Commission considers advisable, or at its option may be cancelled and fresh securities to the like amount and in like form may be issued in lieu thereof with the like consequences, and upon such issue or reissue any person entitled thereto has the same rights and remedies as if the same had not been previously issued.

Commission
may pledge
securities

(7) The Commission on such terms and conditions as it considers advisable may charge, pledge, hypothecate, deposit or otherwise deal with as collateral security any notes, bonds, debentures or other securities purchased by it under section 20.

Form and
execution of
securities

(8) The notes, bonds, debentures and other securities of the Commission shall be in such form or forms and in such denomination or denominations and shall be executed in such manner and by such persons as the Commission may determine.

Reproduction
of
seal and
signatures

(9) The Commission may provide that the seal of the Commission may be engraved, lithographed, printed or otherwise mechanically reproduced on any security to which it is to be affixed and that any signatures upon any such security and upon the coupons, if any, attached thereto may be engraved, lithographed or printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction
of
seal and
signatures

(10) The seal of the Commission when so mechanically reproduced has the same force and effect as if manually affixed, and such mechanically reproduced signatures are for all purposes valid and binding upon the Commission notwithstanding that a person whose signature is so reproduced has ceased to hold office before the date of the security or before its issue. 1965, c. 100, s. 4, *part.*

Guarantee-
ing bonds of
Commission

55.—(1) The Lieutenant Governor in Council is authorized, on such terms as are approved by order in council, to guarantee the payment of the principal and interest of any notes, bonds, debentures or other securities issued by the Commission, and the form and manner of any such guarantee or guarantees shall be such as the Lieutenant Governor in Council approves, and the guarantee or guarantees shall be signed by the Treasurer of Ontario or the Deputy Treasurer of Ontario and Deputy Minister of Economics or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario becomes liable for the payment of the principal and interest of the notes, bonds, debentures or other securities guaranteed according to the tenor thereof, and the Lieutenant Governor in Council is authorized to make arrangements for supplying the money necessary to fulfil the require-

ments of the guarantee or guarantees and to advance the amount necessary for that purpose out of the public funds of the Province of Ontario, and, in the hands of any holder of any such notes, bonds, debentures or other securities, any guarantee so signed is conclusive evidence that the terms of this section have been complied with.

(2) The signature of the Treasurer of Ontario or the Deputy Treasurer of Ontario and Deputy Minister of Economics or of such other officer or officers provided for in subsection 1 may be engraved, lithographed, printed or otherwise mechanically reproduced, and the mechanically-reproduced signature of any such person shall be deemed for all purposes to be the signature of such person and is binding upon the Province of Ontario notwithstanding that the person whose signature is so reproduced may not have held office at the date of the notes, bonds, debentures or other securities or at the date of the delivery thereof and notwithstanding any change in any of the persons holding any such office between the time when any such signature is affixed and the date of delivery of the notes, bonds, debentures or other securities. 1965, c. 100, s. 5, *part*.

Signatures
may be
mechan-
ically
reproduced

56. The Lieutenant Governor in Council may on behalf of the Province of Ontario enter into any covenants or agreements in connection with the acquisition by the Commission of any shares in any incorporated company and guarantee the observance and performance by the Commission of any contract or agreement of the Commission in relation to such acquisition. R.S.O. 1960, c. 300, s. 57.

Guarantee-
ing perform-
ance of
contract for
purchase of
shares

57.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may from time to time for any of the purposes of the Commission borrow by way of temporary loan from any chartered bank or from any person such sums as the Commission considers requisite, either by way of bank overdraft or loan or in any other manner whatsoever.

Temporary
loans

(2) For the purposes of subsection 1, the Commission may pledge as security, notes, bonds, debentures or other securities of the Commission pending the sale thereof or in lieu of selling the same, or may pledge as security, bonds, debentures or other securities owned by the Commission, or otherwise give such security as the Commission determines, and any cheques, promissory notes, or other instruments that may be necessary or desirable for the purposes of subsection 1 or this subsection may be executed in such manner as the Commission determines.

Security for
temporary
loans

(3) The Lieutenant Governor in Council may guarantee the repayment of advances made by banks or any other indebtedness incurred by the Commission. R.S.O. 1960, c. 300, s. 58.

Guarantee
by Province

BUSINESS OPERATIONS

Business of
Commission

58. The purposes and business of the Commission include the generation, transmission, distribution, supply, sale and use of power and, except with respect to the exercise of powers requiring the prior authority of the Lieutenant Governor in Council under this Act, the Commission has power and authority to do all such things as in its opinion are necessary, usual or incidental to the furtherance of such purposes and to the carrying on of its business. 1965, c. 100, s. 6.

Commission
may
purchase
and sell
supplies

59.—(1) The Commission may, out of any funds in its hands, purchase such electrical, hydraulic or other machinery, appliances, apparatus and furnishings as may be used in the transmission, distribution, supply or use of power and may sell or dispose of the same.

Manufacturing and
dealing in
supplies

(2) The Lieutenant Governor in Council, upon the request of the Commission specifying,

- (a) the nature and volume of the business to be carried on; and
- (b) the extent of the liability that may be incurred in connection therewith,

may authorize the Commission to manufacture in Ontario such electrical, hydraulic or other machinery, appliances, apparatus and furnishings as may be used in the development, transmission, distribution, supply or use of power, and to acquire patents of invention or interests therein, and to sell or dispose of such machinery, appliances, furnishings or patent rights, and the profits and losses arising from such operation shall be adjusted and apportioned among the municipalities having contracts with the Commission or be otherwise applied as the Commission sees fit.

Doing work
for contract-
ing munici-
palities, etc.

(3) The Commission may,

- (a) undertake and carry out the preparation of plans, specifications and estimates for, and the construction, erection, installation and putting down of, any plant, machinery, and other things;
- (b) purchase supplies, wires, poles, and other things;
- (c) render engineering or other service,

for the generation, purchase, transmission, distribution, supply or use of power for light, heat or power purposes, or for the manufacture, procuring, producing, supply or use of any other public utility, by a municipal corporation or commission, or by any other corporation or any person, and the Commission may charge and collect from such corporation, commission or person

the cost of any work done or service rendered by the Commission under this subsection.

(4) Subject to the approval of the Lieutenant Governor in Council, the Commission, out of any funds in its hands, may undertake and carry on investigation, experiments, research, development and other work in or for the generation, transformation, transmission, distribution, supply, sale or use of power and may use and apply the results thereof, and may undertake and carry on any electro-chemical, chemical, or physical process and, without limiting the generality thereof, electrolysis, reduction, synthesis and conversion of water and other resources, their constituents and compounds and the development and manufacture of products therefrom.

Work for
extending
use of power

(5) The Commission may acquire any patent or licence or interest in any patent or licence and may use or supply or dispose of by sale, lease, hire, licence or otherwise any such patent, licence or interest and any product, article or commodity produced, used, acquired or found in the operations of the Commission and any right to or interest in any process or the right to use the same.

Dealing in
patents and
products

(6) The Commission may do any or all of the things authorized in this section as principal, agent, contractor, trustee or otherwise and either alone or in conjunction with others, and a municipal corporation or commission may act as agent for the Commission.

Power to act
with others

(7) Any net profit obtained by the Commission from anything authorized in this section shall be applied as the Commission considers equitable towards reduction in the cost of power to municipal corporations having contracts with the Commission for the supply of electrical power. R.S.O. 1960, c. 300, s. 59.

Profits to
reduce cost
of power

60. Where in the course of the operations of the Commission any commodity is produced as a by-product or is found upon property vested in the Commission, the Commission may sell or otherwise dispose of such commodity at such prices and upon such terms as it considers proper, and any revenue so obtained shall be applied in reduction of the cost of power to municipal corporations having contracts with the Commission for the supply of power from the works or property in connection with which the commodity is produced. R.S.O. 1960, c. 300, s. 60.

By-products,
sale of, to
reduce cost
of power

61. When any works constructed or acquired by the Commission for the purpose of supplying power are not in use for that purpose, the Commission with the approval of the Lieutenant Governor in Council may utilize them for such revenue-producing purposes as it considers proper, and any revenue so derived shall be applied in the reduction of the cost of power to municipal corporations having contracts with the Commission for the supply of power from such works. R.S.O. 1960, c. 300, s. 61.

Unused
works may
be utilized
to produce
revenue

PART II

SUPPLY OF POWER

Application to Commission for supply of power to municipal corporation

62.—(1) Any municipal corporation may apply to the Commission for the transmission and supply to it of power for its use and the use of the inhabitants of the municipality for lighting, heating and power purposes or for any of the purposes mentioned in section 69.

Information and estimates to be supplied by Commission

(2) The Commission shall thereupon furnish to the corporation an estimate of the cost at which the power can be supplied to the corporation, including an estimate of the cost of the works by means of which the amount of power required by the corporation is to be supplied, and the Commission may furnish to the corporation plans and specifications of the works necessary for the distribution of such power by the corporation and an estimate of the cost thereof, and such other information as the Commission considers advisable.

Vote of electors
R.S.O. 1970,
c. 284

(3) The corporation may thereupon submit to a vote of the electors of the municipality, in accordance with *The Municipal Act*, a question as to securing a supply of power from the Commission, and if a majority of the electors vote in the affirmative, the council of the corporation may, by by-law, authorize the entering into, and the corporation shall thereupon enter into, a contract with the Commission in such form as is approved by the Lieutenant Governor in Council, and it is not necessary to submit a by-law approving thereof for the assent of the electors and the contract is valid and binding.

Debentures

(4) Notwithstanding anything in *The Municipal Act* or in any general or special Act, debentures issued or purporting to be issued by a municipal corporation that has entered into a contract with the Commission for a supply of power from the Commission for the purpose of carrying out the contract, or for constructing or equipping works for the development, transmission and distribution of power so supplied, shall not be included in ascertaining the limits of the borrowing powers of the corporation as prescribed by *The Municipal Act*, or in any general or special Act. R.S.O. 1960, c. 300, s. 62.

R.S.O. 1970,
c. 284
s. 294,
not to apply

63. Section 294 of *The Municipal Act* does not apply to any contract between the Commission and a municipal corporation for the supply of power. R.S.O. 1960, c. 300, s. 63.

Right to enter on lands to put up wires, etc.

64. A municipal corporation that has entered into a contract for the supply of power by the Commission may, by its officers, agents, servants and workmen, enter into and upon the lands of any person, including lanes, courts, yards and buildings, for the purpose of placing overhead or underground wires with their appurtenances without the consent of the owner or occupant of

such property, but subject to the payment of compensation for any damage caused thereby, to be determined in the manner provided by *The Municipal Act* where a municipal corporation enters upon and takes land for its purposes, but leave of a judge or payment into court is not necessary before the exercise of the powers vested by this section in the municipal corporation. R.S.O. 1970, c. 284, s. 284.

65.—(1) Where a municipal corporation has heretofore entered into or hereafter enters into a contract with the Commission to take power, either at the time of entering into the contract, or at any time thereafter, exclusively from the Commission, the municipal corporation shall not grant to any corporation or person any right or franchise to erect or lay down poles, wires, conduits or any other structures or works for the distribution of power in the municipality, either for the use of the municipal corporation or the inhabitants generally, or of any particular person, and every such right or franchise and every agreement therefor granted or entered into with or without the assent of the electors is void.

Granting of franchises by municipalities under contract with Commission prohibited

(2) Where it is alleged that any person has erected or laid down upon, over or under any street or other highway in a municipality, any poles, wires, conduits or other structures or works for the transmission or distribution of power without the consent of the municipal corporation lawfully given under a by-law of its council or is continuing to maintain or use any such structures or works upon, over or under any such street or highway without lawful authority, the Lieutenant Governor in Council, upon the complaint of the municipal corporation or of any ratepayer, or of the Commission, may direct an inquiry by the Ontario Municipal Board or by a commission composed of two judges of the Supreme Court, and the Board or commission may inquire into the matter, and if, as a result of the inquiry, it is found that such structures or works are upon, over or under any street or highway without lawful authority, the Board or commission may order the removal of all such poles, wires, conduits or other structures upon such notice and upon such terms and conditions as the Board or commission considers just or reasonable, and an order made by a commission under this subsection may be filed with the Registrar of the Supreme Court and has the same force and effect and is enforceable in the like manner as a judgment of the Supreme Court.

Proceedings for ascertaining rights where franchise claimed

(3) Any such structure or work shall be deemed to be upon, over or under any street or highway without lawful authority where no such right or franchise is found to have existed or where the term for which the right or franchise was originally granted has expired, or where the right or franchise was not granted by by-law in compliance with the statutes relating thereto, and no

When work to be deemed unlawfully upon the highway

such right or franchise shall be deemed to have been acquired by lapse of time or by any express or implied acquiescence on the part of the municipality or of any other municipality, company or individual formerly owning or controlling such street or highway or the lands included therein. R.S.O. 1960, c. 300, s. 67.

Enforcement
of agree-
ments

66. Notwithstanding any provision in the contract or agreement entered into between a municipal corporation and the Commission providing for the determination of questions arising under the contract or agreement, or for the settlement of any dispute between the municipal corporation and the Commission by the Lieutenant Governor in Council or in any other manner, the Commission may bring an action for any breach of the contract or agreement on the part of the municipal corporation, and the court may in any such action grant an injunction restraining the municipal corporation from doing any act or continuing any such breach, may order the municipal corporation to supply any omission or to do any act required to be done by it under the terms of the contract or agreement, and may award to the Commission such sum as damages for any such breach as the court considers a fitting penalty to impose upon the municipal corporation therefor. R.S.O. 1960, c. 300, s. 68.

Trustees of
police village
may contract
with Com-
mission

67.—(1) Subject to subsection 11, the trustees of a police village shall, for the purposes of this Part, be deemed to be a municipal corporation, and may exercise all the powers conferred upon municipal corporations by this Part.

Submission
of by-law
to electors

(2) The council of the township or the councils of the townships in which the police village is situate, upon the request of the police trustees, shall issue debentures as provided by this Act. R.S.O. 1960, c. 300, s. 69 (1, 2), *amended*.

Township
to levy
special rate

(3) The council of the township in which the police village or any part thereof is situate shall annually levy by special rate upon the rateable property in the police village, or in that part of the village situate in the township, the amounts required to meet the payments to be made to the Commission, and to pay off the debentures issued under subsection 2.

Extension,
etc., of
works in
police village

(4) Where the trustees of a police village have entered into a contract with the Commission for the supply of power and have heretofore constructed, purchased or acquired, or hereafter construct, purchase or acquire, works for distributing power and the trustees of the police village desire to extend or improve such works, they may apply to the council of the township for the passing of a by-law for the issue of debentures for such extension or improvement, and the council shall pass the necessary by-law for borrowing such further sums as may be necessary for such

extension or improvement, and for levying by an annual special rate upon the rateable property in the police village the sums required for the payment of the debentures issued for the extensions or improvements.

(5) The by-law shall be approved by the Commission before the final passing thereof, but does not require the assent of the electors. Assent of electors not required

(6) Such approval may be given if it is shown to the satisfaction of the Commission that the extension or improvement is necessary or desirable, and that sufficient additional revenue will be derived therefrom to meet the annual payments in respect of the debt and the interest thereon. Approval of Commission

(7) The trustees of a police village are a commission for the control and management of works established for the distribution of power in the police village, and have and may exercise and perform the like powers and duties as nearly as may be as a commission formed under *The Public Utilities Act* in an incorporated village. Trustees to be a Commission
R.S.O. 1970, c. 390

(8) The trustees of a police village shall appoint a competent person to act as secretary-treasurer for the purpose of keeping the accounts of the trustees for the distribution and supply of power and acting as custodian of funds collected by the trustees or received by them from the treasurer of the township for the establishment of works in connection with the distribution of power. Secretary-treasurer

(9) The secretary-treasurer shall give security for the due accounting of all sums of money coming to his hands and for the payment over to the township treasurer of the sums required from time to time to meet payments coming due for interest and principal and to provide a sinking fund for the payment of any debentures issued for the works undertaken by the trustees under any contract with the Commission. Security

(10) The accounts of the secretary-treasurer shall be audited by the auditor of the township in which the police village is situate, or if the police village includes parts of two or more townships, then by the auditor of that township having the highest assessment in the police village. R.S.O. 1960, c. 300, s. 69 (3-10). Audit of accounts

(11) Notwithstanding anything in this section, no contract between the trustees of a police village and the Commission for the supply of power shall be entered into after the 1st day of July, 1968. 1968, c. 98, s. 3. Contracts with police villages

68.—(1) Notwithstanding *The Public Utilities Act* or any other Act, the council of a township may from time to time pass by-laws, By-laws

- (a) for establishing, with the approval of the Commission, an area in the township as to which any of the by-laws passed under clauses *b*, *c* and *d* have effect, or establishing the whole township as such an area;
- (b) for entering into a contract with the Commission, with the assent of the municipal electors of the area qualified to vote on money by-laws, for the supply of power for the use of the municipality and its inhabitants in any area established under clauses *a*;
- (c) for acquiring real and personal property and acquiring, constructing, reconstructing, extending and operating works for the development, transmission and distribution of power in the municipality;
- (d) for exercising, for such purposes, any of the powers that may be exercised by a town under *The Municipal Act*, *The Local Improvement Act*, *The Public Utilities Act*, or this Act.

R.S.O. 1970,
cc. 284, 255,
390

Alteration
of areas

(2) The council, with the approval of the Commission may from time to time, by by-law, incorporate an area established under clause *a* of subsection 1 with any other established area.

Debenture
issue

(3) Where the council has passed a by-law under clause *a* of subsection 1 or under subsection 2, it may issue debentures for the purposes of clause *b*, *c* or *d* of subsection 1, and levy a special rate for the amounts required to be raised on account of principal or sinking fund and of interest for the payment of such debentures in the area so established, and notwithstanding *The Municipal Act* or any other Act, it is not necessary to obtain the assent of the electors to the by-law for the issue of such debentures. R.S.O. 1960, c. 300, s. 70 (1-3), *amended*.

Commission
for con-
struction
and manage-
ment of
works

(4) The council of a township that has entered into a contract with the Commission for the supply of power for the use of municipality and its inhabitants in any area established under clause *a* of subsection 1 may by by-law provide for entrusting the construction of the works and the control and management thereof to a commission to be called "The Hydro-Electric Commission of the Township of (*naming the area*) of (*naming the township*)" or if the area comprises the whole township, "The Hydro-Electric Commission of the Township of (*naming the township*)".

Assent of
electors not
necessary

(5) It is not necessary to obtain the assent of the electors to the establishment of a commission under subsection 4, but the commissioners elected shall be residents of the area for which they are elected commissioners.

Disestablish-
ment of
commission

(6) Upon the incorporation of any area in another area the commission, if any, for the area so incorporated shall be deemed to

be disestablished and the commission, if any, for the other area shall be a commission for the combined area.

(7) Subject to subsection 8, where a commission has been established under this section and the members thereof have been elected, all the powers, rights, authorities and privileges that by *The Public Utilities Act* are conferred upon a municipal corporation in respect of power shall, while the by-law for establishing it remains in force, be exercised by the commission in the area for which it was established or in the area to which such area may have been enlarged and not by the council of the municipality.

Revenue of
commission

R.S.O. 1970,
c. 390

(8) Nothing in this section divests the council of its authority with reference to providing the money required for the works, and the treasurer of the municipality shall, upon the certificate of the commission, pay out any money so provided, and nothing in this Act divests the council of the rights and powers conferred upon it by *The Local Improvements Act*.

Council
to provide
money for
works

R.S.O. 1970,
c. 255

(9) Sections 42, 43, 44, 47 and 48 of *The Public Utilities Act* apply to every commission established under this section.

Provisions of
R.S.O. 1970,
c. 390
to apply

(10) A by-law establishing a commission under this section may be repealed by the council of the municipality at any time with the consent of the Commission and it is not necessary to obtain the assent of the electors to such repeal.

Repeal of
by-law
establishing
commission

(11) Upon the repeal of a by-law establishing a commission under this section, the control and management of the works are vested in the council, and the commission ceases to exist.

Reverting
of works

(12) Notwithstanding anything in this section, no areas shall be established nor the boundaries of any established area enlarged or altered after the 1st day of May, 1951. R.S.O. 1960, c. 300, s. 70, (4-12).

Areas fixed
as of May 1,
1951

POWERS OF MUNICIPALITIES

69.—(1) In addition to the powers conferred by this Act, a municipal corporation that has entered into a contract with the Commission for the supply of power has and may exercise in respect of such power all the powers that are by *The Public Utilities Act* or *The Municipal Act* conferred upon municipal corporations in respect of light and heat, and all the powers that are conferred upon municipal corporations by *The Municipal Act* for contracting debts for any purpose within the jurisdiction of the council thereof, and also the power to expropriate land, making compensation therefor under *The Expropriations Act*.

Supply of
power, etc.

R.S.O. 1970,
cc. 390, 284,
154

(2) The council of a municipal corporation may, if it sees fit, submit to the electors a by-law providing for borrowing, by the issue of debentures, the money required for any of the purposes mentioned or referred to in sections 62 and 67 and in this section

By-law for
borrowing
money

at the same time as the council submits to the electors a question as to supply of power under section 62, and the by-law for borrowing money may be finally passed either before or after the municipal corporation has entered into a contract with the Commission for the supply of power, but the debentures authorized by the by-law shall not be issued until the municipal corporation has entered into a contract with the Commission for the supply of such power.

Supplying
power
outside of
municipality

(3) A municipal corporation that has entered into a contract with the Commission under this Act may, from time to time, with the approval of the Commission, contract with any other municipal corporation or with any person for the supply or distribution of power in any other municipality, and such other municipal corporation has authority to enter into the contract; but a municipal corporation shall not exercise the power conferred by this section in another municipality without the consent of the council thereof. R.S.O. 1960, c. 300, s. 71.

CONTRACTS OF COMMISSION

Supply of
power

70.—(1) In addition to the powers conferred upon it by this Act or any other Act to contract with municipal corporations for the supply by it of power and to contract with persons pursuant to section 86, the Commission, subject to the approval of the Lieutenant Governor in Council, may contract with any other person for the supply of power to such person upon such terms and conditions as the Commission considers proper. R.S.O. 1960, c. 300, s. 72 (1); 1961-62, c. 106, s. 7 (1).

Application
of revenue

(2) The revenue, or any part thereof, derived by the Commission from supplying power under subsection 1 for use outside Ontario and which in the opinion of the Commission is so derived because of anything done pursuant to section 26 may be placed to the credit of the frequency standardization reserve account. R.S.O. 1960, c. 300, s. 72 (2).

Application
of net
surplus

(3) Any net surplus made by the Commission in supplying power under subsection 1 shall be applied as the Commission may determine from time to time for adjusting and proportioning and making equitable and stabilizing the rates for power payable to the Commission. 1961-62, c. 106, s. 7 (2).

Determina-
tion of net
profit

(4) Net surplus referred to in subsection 3 shall be determined by deducting from the revenue received from supplying power under subsection 1 all moneys placed to the credit of the frequency standardization reserve account pursuant to subsection 2 and an amount determined by the Commission for costs and charges as enumerated in section 76. R.S.O. 1960, c. 300, s. 72 (4); 1961-62, c. 106, s. 7 (3).

71. Notwithstanding anything in section 70, it is not necessary to obtain the approval of the Lieutenant Governor in Council to any contract for a supply by the Commission of power to any person from works that the Commission has acquired or constructed and is operating for the distribution of power. R.S.O. 1960, c. 300, s. 73, *amended*.

Approval of
Lieutenant
Governor in
Council not
required to
certain
contracts

72.—(1) If any agreement heretofore or hereafter entered into by the Commission for the supplying of power by the Commission to a municipal corporation or for any other work or service to be done or supplied by the Commission to a municipal corporation contains any term or condition conflicting with or contrary to this Act, the agreement shall be deemed to be amended in such manner and to such extent as to give effect to this Act.

Amendment
of agree-
ments

(2) Subject to subsection 1, where the Commission has heretofore entered, or hereafter enters into an agreement for the supplying of power by or to the Commission or for any other work or service to be done by or supplied to the Commission and such agreement has been or is hereafter approved by the Lieutenant Governor in Council, it is thereupon valid and binding upon the parties thereto. R.S.O. 1960, c. 300, s. 74.

Effect of
approval

73.—(1) Notwithstanding anything in this Act or in any general or special Act or in any contract heretofore or hereafter entered into by the Commission or by any municipal corporation for which the Commission supplies power under section 84, where at any time a state of emergency exists by reason of damage to or destruction, failure or breakdown of any of its works, wastage of power, power demand in excess of its power resources or other matters restricting its ability to deliver power, the Commission may, during the state of emergency,

State of
emergency

- (a) allocate and distribute its available power among the customers under such contracts and interrupt or decrease delivery of power under any contract during the continuance of the emergency; and
- (b) with the approval of the Lieutenant Governor in Council, regulate, restrict, prohibit and control the generation, transformation, transmission, distribution, supply and use of power supplied by it,

in order to effect what is in its opinion the most economical, efficient and equitable use and distribution of such power. R.S.O. 1960, c. 300, s. 75 (1); 1968, c. 98, s. 4.

(2) The Commission may at any time modify, restrict, suspend or reimpose any order, regulation, restriction, prohibition or control, heretofore or hereafter given, made or exercised under subsection 1.

Modifica-
tion of
restrictions

Cessation
of power
delivery

(3) The Commission may interrupt or decrease delivery of power in such manner and to such extent as it sees fit to any of its customers who fail to comply with any direction, order, regulation, restriction, prohibition or control given, made or exercised by it under subsection 1 by such means as it considers proper and may enter upon any land of any such customer and do whatever is necessary for that purpose.

Entry by
municipal
corporation

(4) Any municipal corporation or municipal commission receiving power from the Commission for distribution may interrupt or decrease delivery of power in such manner and to such extent as it sees fit to any of its customers who fail to comply with any direction, order, regulation, restriction, prohibition or control given, made or exercised by the Commission under subsection 1, by such means as it considers proper and may enter upon any land of any such customer and do whatever is necessary for that purpose.

No breach
of contract

(5) Nothing done under this section or under any direction, order, regulation, restriction, prohibition or control made or exercised by the Commission under this section or done to enforce or give effect thereto by the Commission, its servants or agents, or by any municipal corporation or municipal commission or its servants or agents, shall be deemed a breach of contract by the Commission or any municipal corporation or municipal commission or entitle any person to rescind any contract or release any guarantor from the performance of his obligation, or render the Commission, its servants or agents, or any municipal corporation or municipal commission, its or their servants or agents liable in any action-at-law or other legal proceedings for damages or otherwise.

Offence

(6) Every person who refuses or neglects to comply with any direction, order, regulation, restriction, prohibition or control made or exercised by the Commission under this section is guilty of an offence and, in addition to any other liability, on summary conviction is liable to a fine of not less than \$100 and not more than \$500 and a further fine of not less than \$100 and not more than \$500 for each day upon which such refusal or neglect is repeated or continued. R.S.O. 1960, c. 300, s. 75.

Enforcing
payment of
arrears of
rates and
charges

74.—(1) Where the Commission supplies or distributes power directly to the consumer either on its own behalf or by arrangement or under contract with a municipal corporation, the amount payable by the owner of any building or lot, or part of lot, for the power supplied to him for use therein or thereon, and all rents, rates, costs and charges in connection with the service or supply of such power or the installation of any works for such service or supply are a lien and charge upon the building or lot or part of lot

in the same manner and to the same extent as municipal taxes on land, and, in default of payment, the clerk of the municipality, upon being notified in writing by the Commission of the sum due, shall forthwith enter the same upon the collector's roll and it shall be collected in the same manner as municipal taxes on land and upon recovery thereof shall be paid over to the Commission, but when a mortgage or lease of the building or lot or part of lot in question has been duly registered before an entry upon the collector's roll as above described, the lien and charge hereby created rank after advances actually made under such mortgage and after rent accrued due under such lease before such entry.

(2) For the purposes of this section, power shall be deemed to be supplied to the consumer not only when it is actually used by the owner but when it is rendered available or held in reserve for him under the terms of his contract with the Commission or the municipal corporation. When power deemed to be supplied R.S.O. 1960, c. 300, s. 76.

75. The expenditure by the Commission upon any works undertaken under this Act for the benefit of a municipal corporation that has entered into a contract with the Commission is repayable to the Commission by the municipal corporation. Repayment of expenditures R.S.O. 1960, c. 300, s. 77.

76. Notwithstanding anything in any general or special Act passed before the 3rd day of April, 1928, or in any contract entered into before the 3rd day of April, 1928, and, except where under the terms of any such contract power is to be supplied to a municipal corporation at a fixed price, the price payable for power by any municipal corporation is the cost to the Commission, as determined by it, of supplying and delivering power to the municipal corporation, including the municipal corporation's proportion, as adjusted by the Commission, of, Cost of power to municipality

- (a) the cost of operation, maintenance, depreciation and insurance of the works and the cost of administration of the Commission;
- (b) interest and expenses of debt service and interest credited on the balances remaining from time to time to the credit of reserve accounts established under this Act;
- (c) an annual sum sufficient to form in forty years, with interest at 4 per cent per year, a sinking fund for the repayment of the advances made by the Province of Ontario under this Act for the cost of the works, for the repayment of any other indebtedness incurred or assumed by the Commission in respect of the cost of the works, and for the restoration of any reserve or other funds of the Commission utilized for the payment of the cost of the works; and

- (d) an amount to be determined by the Commission for the purposes of sections 14 and 16 and clause *c* of section 15. R.S.O. 1960, c. 300, s. 78.

Collection of moneys from municipalities on sinking fund account

77. Notwithstanding anything in this Act, a municipal corporation that has entered into or hereafter enters into a contract with the Commission for a supply of power may be relieved by the Commission from payment of any sum on account of the sinking fund account for the first five years during which payments are made to the Commission by the municipal corporation under such contract, and the amounts required from such municipal corporation on sinking fund account are payable during the then next ensuing forty years. R.S.O. 1960, c. 300, s. 79.

Extending time for payments by municipalities

78. The Commission may, during the first three years after a municipal corporation first begins to take power from the Commission, extend the time for payment of any sum payable by it, and such municipal corporation shall pay to the Commission interest on the amount that may be in arrear or for the payment for which time is extended until the payment thereof, at such rate not exceeding 7 per cent per year, as the Commission may determine. R.S.O. 1960, c. 300, s. 80.

Surplus funds, application

79. Any surplus held by the Commission to the credit of any municipal corporation may be retained by the Commission as security against future obligations to the Commission of the same municipal corporation for so long during the continuance of the contract of the municipal corporation as the Commission thinks fit, but the Commission shall allow to the municipal corporation interest at the rate of 4 per cent per year upon the amount of such surplus retained by the Commission. R.S.O. 1960, c. 300, s. 81.

What to be deemed a system

80. Where by contract with the Commission one or more municipal corporations have assumed the cost of the purchase of, or works for the development of, power for the supply of such municipality or municipalities under this Act, such municipality or municipalities shall, for the purpose of this Act, be defined as a "system", and the Commission, on such conditions as are considered equitable or advisable, may include in any such system one or more other such municipalities, whether already part of any system or not, and may unite any two or more systems into one system, and may join in a system two or more such municipalities whether already part of any system or not, and for the purposes of this section an area set apart under section 68, or the rural power district, may be considered as a municipality. R.S.O. 1960, c. 300, s. 82.

Supplying power from one system to another

81.—(1) Wherever physical connections may be made between any of the systems operating under this Act, the Commission may make the necessary connections so as to divert power

from any one system to any other system, and the means of such connection, and the price to be paid by the system receiving the power to the system supplying the power, shall in all cases be determined by the Commission, and the cost of the power so taken by any one system from any other shall be dealt with by the Commission under this Act as the cost or part of the cost of the power to be paid by the municipalities forming part of such system, under their contracts with the Commission.

(2) The price payable for power by one system to another shall be collected by the Commission from the system owing it for the system entitled to receive it, and all sums so paid to any system shall be applied to the cost of construction, maintenance and operation of such system in such manner as the Commission may direct. Adjustment
R.S.O. 1960, c. 300, s. 83.

82.—(1) The Commission shall annually adjust and apportion the amounts payable by municipal corporations under sections 76 to 81. Apportionment

(2) The Commission shall also annually adjust and apportion among the municipal corporations all such expenditures made by the Commission in exercise of the powers conferred upon the Commission by this Act as have been incurred for or on behalf of the municipal corporations. Annual adjustment

(3) The adjustment and apportionment made by the Commission is final and binding upon the municipal corporations. Adjustment to be final
R.S.O. 1960, c. 300, s. 84.

PART III

SUPPLY OF POWER FOR STREET LIGHTING IN TOWNSHIPS

83.—(1) Notwithstanding anything in this or any other Act, the council of a township may, without petition and without the assent of the electors, pass a by-law for entering into a contract with the Commission for the lighting of streets in the township. Contracts for street lighting in townships

(2) The by-law may, Contents of by-law

- (a) define one or more street lighting areas in the township;
- (b) enlarge, reduce or alter the boundaries of any street lighting area in the township;
- (c) amalgamate any street lighting areas in the township;
- (d) provide that the cost of the street lighting works in any street lighting area in the township, including debenture charges, the cost of maintenance and management of the works and the cost of power supplied for street lighting under this Act, shall be assessed and levied on

the rateable property in the area, or provide that such part of the cost as to the council seems proper shall be paid by the township and that the remainder of the cost shall be assessed and levied on the rateable property in the area, or provide that the entire cost shall be paid by the township; and

- (e) provide that the contract with the Commission shall apply to any street lighting area.

Maps

(3) Any street lighting area may be defined by the use of a map or sketch to be attached to the by-law and the information shown on the map or sketch shall form part of the by-law to the same extent as if included therein.

Power of township to construct works

R.S.O. 1970, c. 284, 255

(4) The corporation of the township may acquire or construct the works necessary for lighting the streets, and for such purpose the corporation of the township has and may exercise all the powers conferred upon townships under *The Municipal Act* or *The Local Improvement Act*.

Power of Commission to construct works

(5) If the contract so provides, the Commission may, on behalf of the township, acquire, construct, extend, reconstruct, maintain, operate and administer any such street lighting works.

Power of township to extend application of street lighting agreement

(6) Where under this section a township has entered into a contract with the Commission for the lighting of streets in one or more areas, the township may from time to time, without petition and without the assent of the electors, pass a similar by-law to provide that the contract shall also apply to any other street lighting area or areas in the township.

Where Part II to apply

(7) The provisions of Part II with respect to the annual payments to be made by a municipal corporation that has entered into a contract with the Commission apply to any contract entered into under this section and extend to all street lighting works constructed under the contract, but do not apply in respect of the capital cost of works acquired or constructed by the township. R.S.O. 1960, c. 300, s. 85.

PART IV

DISTRIBUTION OF POWER IN RURAL POWER DISTRICT

Contracts for supply of power

84.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may contract with the corporation of a township, or townships, or with the corporations of two or more townships, for the supply and distribution by the Commission of power in the township or townships. R.S.O. 1960, c. 300, s. 86 (1).

(2) There shall be one rural power district comprising all of the territory of Ontario excepting the areas of all municipal corporations and police villages that have contracted with the Commission for the supply of power at cost or that hereafter so contract.

Rural
power
district

(3) The Commission may, on behalf of the corporation as well as on its own behalf,

Commission
powers

- (a) acquire, construct, extend, reconstruct, hold, maintain, operate and administer all lands and works necessary for the transmission to and the transforming and distributing in the rural power district of power;
- (b) supply power to any customer or at any premises in the rural power district;
- (c) perform, enjoy and enforce all contracts in which the corporation agrees to supply or sell power to any customer or at any premises in the rural power district. 1961-62, c. 106, s. 8.

(4) Contracts in which the municipal corporation agrees to supply or sell power are sufficiently executed on behalf of the corporation if signed by its clerk or by such other officer as is designated by the council of the corporation.

Signing of
contracts

(5) The Commission may in its discretion use any of the revenue that may be derived or may have been derived from the distribution of power by the Commission on behalf of any township forming part of the rural power district for altering, reconstructing, rebuilding, reassembling, constructing, extending, replacing or whatever else may be necessary in respect of works held by it under subsection 3, for the purpose of standardizing and making uniform to such extent and in such manner as it considers necessary the periodicity in alternations of current at which it supplies power to customers of the corporation or at premises pursuant to subsection 3. R.S.O. 1960, c. 300, s. 86 (5, 6).

Use of
moneys for
standard-
ization of
frequency

85. For the purposes of this Part, the Commission may exercise any of the powers that the Commission may exercise or be authorized to exercise under Part I and may upon such terms as it considers proper, sell, lease or otherwise dispose of any lands and works acquired or held for the purposes of this Part. R.S.O. 1960, c. 300, s. 87.

Powers of
Commission

86.—(1) Subject to the approval of the Lieutenant Governor in Council, where any Act of the Legislature sets apart lands as a park and provides for the appointment of a board of commissioners therefor and makes such board of commissioners a body corporate, such board may purchase from the Commission power for use in the park, and may sell power to customers therein and

Right of park
board to
contract
power

execute contracts accordingly and the Commission may contract with the board to supply and distribute such power.

When park
to be rural
power
district

(2) Upon the execution of a contract between the Commission and any such board, the Commission may make any such park or part thereof a part of the rural power district and the provisions of this or any other Act applying to the rural power district are applicable. R.S.O. 1960, c. 300, s. 88.

Commission
may take
over existing
distribution
system

87. When at the time of entering into the contract the corporation of any such township has been operating a system for distributing power to inhabitants of the township, or has a contract with the Commission for a supply of power under any other Part of this Act, the Commission, with the approval of the council of the township, may take over, acquire, reconstruct, extend and operate such distribution system, and may perform, enjoy and enforce the contracts with the customers thereof, and may incorporate such system in the rural power district. R.S.O. 1960, c. 300, s. 89.

Police village
not to be
deemed
separate
corporation

88. Notwithstanding this Act, where the trustees of a police village have not a subsisting contract with the Commission, it shall not be considered a separate corporation from the township or townships out of which it was formed for the purposes of this Part. R.S.O. 1960, c. 300, s. 90.

Assent of
electors not
required to
contract

89. The council of the township or the council of each of the townships entering into a contract under section 84 or 87 may pass a by-law for entering into the contract, and the corporation of the township may execute the contract, and it is not necessary to submit the by-law to the vote of the electors or to comply with any of the other formalities required in the case of a by-law under Part II. R.S.O. 1960, c. 300, s. 91.

Application
of Part II as
to annual
payments

90. All the provisions of Part II as to the annual payments to be made by the municipal corporations that have entered into contracts with the Commission apply to a contract entered into under this Part, and extend to the works constructed under the contract for transforming, distributing and supplying power in the rural power district. R.S.O. 1960, c. 300, s. 93; 1961-62, c. 106, s. 10.

Rates to be
fixed by
Commission

91. The rates to be charged to customers receiving power from the Commission in the rural power district or any section thereof shall be fixed by the Commission under this Act. R.S.O. 1960, c. 300, s. 94.

Apportion-
ment of
cost on
annual
adjustment

92. The Commission shall fix, adjust and apportion annually the cost of all the works mentioned in sections 84 and 87 to be borne by each of the municipal corporations entering into any such contract. R.S.O. 1960, c. 300, s. 95.

PART V

CONTROL AND REGULATION BY COMMISSION

93.—(1) Upon complaint in writing that a municipal corporation, company or person receiving power from the Commission is charging a rate that is excessive or unfair, or that any municipal corporation is making use of the powers conferred upon it by this Act for the purpose of granting a bonus by supplying power below cost to manufacturers or others, the chairman of the Commission may appoint a time and place at which the Commission or some member thereof will hear and determine the matter of the complaint, and such notice of the appointment as the chairman may direct shall be given by the secretary of the Commission to such persons as the chairman may direct.

Complaints
as to rates
charged for
power

(2) At the time and place appointed the Commission or a member thereof shall hear and determine the matter of the complaint, and may dismiss or allow the complaint, and may regulate and determine the rates to be charged, and may direct the amendment of any by-law or agreement accordingly, or may make such order as seems meet.

Hearing of
complaints
and
regulation
of rates

(3) The Commission, or the member thereof hearing the complaint, has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*. R.S.O. 1960, c. 300, s. 96.

Powers of
Commission
on inquiry
R.S.O. 1970,
c. 379

94.—(1) The Commission, with the approval of the Lieutenant Governor in Council, may make regulations,

Regulations

- (a) prescribing the design, construction, installation, protection, use, maintenance, repair, extension, alteration, connection and disconnection of all works and matters used or to be used in the generation, transformation, transmission, distribution, delivery or use of power in Ontario;
- (b) prohibiting the use in Ontario of any such works or matters until they have been inspected and approved;
- (c) prohibiting the advertising, display, offering for sale, or other disposal, and the sale or other disposal, publicly or privately, in Ontario, of any such works or matters unless and until they have been inspected and approved, and prescribing the precautions to be taken in the sale or other disposal of such works or matters and the warnings and instructions to be given to purchasers and others in advertisements and by circular or otherwise in order to prevent their use in such manner or under such conditions as may be likely to result in undue hazard to persons or property;

- (d) providing for the inspection, test and approval of all such works and matters before being used for any such purposes.

Issuing of plans and specifications

(2) The Commission may prepare and issue plans and specifications governing the design, construction and test of any of the works or matters mentioned in subsection 1, and may amend or alter such plans and specifications.

Appointment of persons or associations to inspect and test

(3) The Commission may appoint persons or associations having, in the opinion of the Commission, special knowledge and facilities to inspect, test and report upon any of the works or matters mentioned in subsection 1.

Approval by adoption of report

(4) The Commission may approve of any of the works or matters mentioned in subsection 1 by adopting the report made pursuant to subsection 3 or otherwise as the Commission considers advisable.

Orders relating to installations, alterations, etc.

(5) The Commission may issue such orders relating to work to be done in the installation, removal, alteration, repair, protection, connection or disconnection of any of the works or matters mentioned in subsection 1 as the Commission considers necessary for the safety of the public, or of workmen, or for the protection of property.

Appointment of inspection staff

(6) The Commission may appoint such inspectors and other officers as it considers necessary for the purposes of this section.

Fees for permits, inspection, test and approval

(7) The Commission may prescribe the fees to be paid for permits and for inspection, test and approval of all such works and matters mentioned in subsection 1 and of plans and specifications relating thereto, and may prescribe also the time and manner of payment of such fees.

Collection and disposition of fees and fines

(8) The Commission shall collect the fees prescribed by it under the authority of subsection 7, and shall provide for the remuneration, travelling and other expenses of the inspectors and other qualified persons, together with all other expenses incurred in carrying out this section, out of such fees and out of any fines imposed for breach of any of the provisions of this section or of any regulations, plans, specifications or orders made under the authority thereof, and out of the funds appropriated for carrying out the work of the Commission.

Powers of inspectors

(9) Every inspector appointed under this section may enter upon, pass over or through any land, building or premises at any reasonable hour for the purpose of performing the duties assigned to him under this section.

Liability

(10) Nothing in this Act or in any of the regulations, plans, specifications or orders issued under this section renders the Commission or any of its inspectors or other employees liable, or

affects the liability of any municipal or other corporation or commission, company, firm or individual, for any injury, loss or other damages caused to any person or property by reason of defects in any of the works or matters mentioned in this section or by reason of any order of the Commission, notwithstanding any inspection or test or the issue of any certificate by the Commission or by any of its inspectors or other employees. R.S.O. 1960, c. 300, s. 97 (1-10).

(11) Every municipal or other corporation or commission, and every company, firm or individual, Offences

- (a) hindering, molesting, disturbing or interfering with an inspector or other employee in the performance of his duty under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50 for each offence;
- (b) refusing or neglecting to comply with this section, or with any regulation, plan or specification made under its authority is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500 for each offence;
- (c) refusing or neglecting to comply with any order issued by the Commission under subsection 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 and a further fine of not less than \$100 and not more than \$500 for each and every day upon which such refusal or neglect is repeated or continued. R.S.O. 1960, c. 300, s. 97 (11); 1965, c. 100, s. 7.

(12) The fines recovered for offences against this section shall be paid over to the Commission. Disposition of fines

(13) This section does not apply to a mine as defined in *The Mining Act*, save only as regards any dwelling house or other building not connected with or required for mining operations or purposes or used for the treatment of ore or mineral. R.S.O. 1960, c. 300, s. 97 (12, 13). Section not to apply to mines R.S.O. 1970, c. 274

95.—(1) A municipal corporation that has entered into a contract with the Commission for the supply of power shall not pass a by-law for the issue of debentures, or borrow money by other means, for any extension or improvement to a power system without having first obtained the assent of the Commission to the amount of such issue and borrowing and the purposes to which the proceeds of the issue are to be applied. Debentures for extension or improvement not to be issued without approval of Commission

(2) Every member of the council of a municipality passing a by-law in contravention of subsection 1 is personally responsible for any loss or expense occasioned to the municipal corporation by Liability of members of council

such action unless he shows that he voted against the passing of the by-law or did everything in his power to prevent the passing of the by-law.

By-law void

(3) Every by-law passed in contravention of subsection 1 is illegal and void, and the Commission may take the same proceedings for quashing the by-law, or restraining the municipal corporation from issuing debentures thereunder as might be taken by a ratepayer of the municipality.

Section to have effect notwithstanding

(4) This section has effect notwithstanding the provisions of any other general or special Act relating to any municipal corporation.

Issue of debentures when Commission approves estimated cost

(5) This section does not apply to any by-law or by-laws authorizing the issue of debentures to defray the cost of, or to repay temporary loans incurred in connection with any works mentioned in subsection 1, when the estimated cost of such works and the borrowing of the estimated cost has been approved by the Commission and the principal amount of the debentures so authorized does not exceed the estimated cost aforesaid by more than 5 per cent. R.S.O. 1960, c. 300, s. 98 (1-5).

Restriction as to application of local improvement by-law
R.S.O. 1970, c. 255

(6) Equipment, plant and works constructed and erected pursuant to clause *n* of subsection 1 of section 2 of *The Local Improvement Act* shall be deemed not to be extensions or improvements within the meaning of this section. R.S.O. 1960, c. 300, s. 98 (6), *amended*.

Metropolitan Toronto

(7) For the purposes of this section, The Municipality of Metropolitan Toronto shall be deemed to be a municipal corporation that has entered into a contract with the Commission for the supply of power. R.S.O. 1960, c. 300, s. 98 (7).

Rates and charges to be approved

96.—(1) The rates and charges for supplying power, and the rents and charges to meet the cost of any work or service done or furnished for the purposes of a supply of power, chargeable by any municipal corporation generating or receiving and distributing power are subject at all times to the approval and control of the Commission, and the rates, and such rents and charges, charged by any company or individual receiving power from the Commission for the supply of power are subject at all times to such approval and control.

Powers as to fixing municipal rates

(2) Notwithstanding this Act, the Commission may from time to time, when in its opinion it is in the interests of the municipal corporations under contract with the Commission so to do, make orders fixing the rates to be charged by the corporation or commission of any municipality having a population of less than 200,000 for power supplied by the Commission.

(3) In a municipality where the rates fixed by the Commission under subsection 2 prove insufficient to provide for the costs of supplying power in the municipality, the Commission may charge the deficit to the stabilization fund account and may from time to time impose such terms as to repayment of the amount so charged together with interest thereon, or any part thereof, or may relieve the municipality from obligation to repay the same to such extent as to the Commission seems just and equitable. R.S.O. 1960, c. 300, s. 99.

Where amount collected proves insufficient

97.—(1) The Commission may prescribe for any municipal corporation or municipal commission receiving electrical power from the Commission for distribution a system of bookkeeping and keeping accounts of the assets, liabilities, revenues and expenditures in respect of the production, development, distribution or sale of electrical power or the dealing in electrical fittings, fixtures, appliances, machines or equipment.

System of bookkeeping

(2) The Commission may require from any municipal corporation or municipal commission that owns, operates, controls or manages an electrical public utility receiving electrical power from the Commission for distribution such returns and statements as the Commission considers proper, and the Commission shall have access to and the right to inspect the books, records, minutes, statements and returns relating to such electrical public utility and to extract therefrom such information as in the opinion of the Commission may be useful for publication and to embody any of the information in the reports of the Commission. R.S.O. 1960, c. 300, s. 100.

Returns and statements

98.—(1) Subject to subsections 2, 3 and 7, every municipal corporation and municipal commission supplied with electrical power by the Commission shall maintain insurance against liability for bodily injury and property damage arising from the operation of an electrical utility in such amount and upon such terms as the Commission may direct.

Insurance by municipalities

(2) A municipal corporation or municipal commission may, with the approval of the Commission, establish in lieu of such insurance a fund sufficient in the opinion of the Commission to protect the municipal corporation or municipal commission against the liability and thereupon it is not necessary for it to comply with subsection 1.

Insurance fund

(3) If a municipal corporation or municipal commission is in Schedule 1 of the regulations made under *The Workmen's Compensation Act* and is paying assessments to the Workmen's Compensation Board, it is not necessary for it to maintain insurance against liability for bodily injury to its employees.

Where insurance not necessary
R.S.O. 1970, c. 505

Group insurance for municipalities
R.S.O. 1970, c. 224

(4) Notwithstanding anything in *The Insurance Act* or in any other Act, the Commission may effect insurance on behalf of municipal corporations or municipal commissions that it supplies with electrical power against liability for bodily injury and property damage arising from the operation of an electrical utility.

Commission included in group insurance

(5) The contract of insurance effected under subsection 4 may, if desired by the Commission, include the Commission as a party insured against liability and may protect more than one municipal corporation or municipal commission.

How cost chargeable

(6) The cost of insurance effected under subsection 4 is, except in so far as it is for the protection of the Commission, chargeable to the protected municipal corporations or municipal commissions as part of the cost of power payable by them.

Where insurance under subs. 1 not necessary

(7) Where a municipal corporation or municipal commission is an insured party under a contract of insurance effected under subsection 4, it is not necessary for it to comply with subsection 1. R.S.O. 1960, c. 300, s. 101 (2-7).

Collection of arrears on direction from Commission

99. Where it appears to the Commission upon examination of the accounts of a municipal corporation or municipal commission receiving power from the Commission under a contract between the municipal corporation and the Commission under this Act that there are arrears due and owing for electrical power supplied by the municipal corporation or municipal commission, or for rents, rates, costs and charges in connection with the service or supply of such power or for the installation of any works for such service or supply, and that the municipal corporation or municipal commission has not taken the necessary proceedings for the collection of such arrears, the Commission may give, in writing, such directions as it considers proper, signed by the chairman or secretary, for the collection of the arrears by any method by which they may be collected, and it is the duty of the municipal corporation or municipal commission forthwith after receiving such directions to take all proceedings necessary to carry them into effect. R.S.O. 1960, c. 300, s. 102.

Offences

100. Where a municipal corporation or a municipal commission receiving electrical power from the Commission under a contract made with the Commission under this Act,

- (a) supplies electrical power to any person upon terms and at rates other than those that have been approved of by the Commission;
- (b) grants to any person to whom electrical power is supplied by the municipality or commission, special terms by way of bonus or otherwise as to the rates to be paid for electrical power or as to the terms at which they are to be supplied;

- (c) neglects or refuses to carry out any direction of the Commission given under section 99;
- (d) by any means whatsoever, directly or indirectly reduces the cost of electrical power to any person so that it is supplied to such person at a lower rate or upon better terms than those approved of by the Commission;
- (e) fails to keep accounts in the manner prescribed by the Commission or makes improper entries therein, or charges against any account items not properly chargeable thereto,

such municipal corporation or municipal commission is guilty of an offence, and every member of the municipal council of such municipal corporation or every member of the municipal commission, as the case may be, is disqualified from sitting and voting in the council or from election thereto, or from acting as a member of the municipal commission or being appointed thereto, and from holding any other municipal office for a period of five years from the date of the judgment or order declaring his disqualification, and proceedings may be taken against him in the same manner as in the case of a member of a municipal council who has become disqualified or has forfeited his seat under *The Municipal Act*, but no member of the municipal council or of the municipal commission, as the case may be, shall be found to be so disqualified who proves to the satisfaction of the court or judge before whom the application for a declaration of his disqualification is made, that he was not a party to the offence and that he did everything in his power to prevent the commission of the offence. R.S.O. 1960, c. 300, s. 103.

Disqualifi-
cation of
councillor
or commis-
sioner

R.S.O. 1970,
c. 284

101. When a municipal corporation or a municipal commission neglects or refuses to carry out any of the provisions of this Act or any direction or regulation lawfully given or made under this Act, the Commission, if it considers it necessary or desirable so to do, may appoint some person to do whatever is necessary to remedy such neglect or default and to comply with this Act or any such direction or regulation, and the reasonable and proper costs and charges incurred by the Commission in so doing is a debt due and payable by the municipal corporation or municipal commission to the Commission and shall be added to and collected with the charges set out in section 76. R.S.O. 1960, c. 300, s. 104.

When
default made
Commission
may take
action

102. A municipal corporation or municipal commission receiving power from the Commission for distribution may utilize, subject to the approval of the Commission, funds in its hands over and above current operating requirements derived from or pertaining to the municipal electric utility for which such power is received for any of the following purposes and not otherwise:

Utilization
of funds

1. In the reduction of any indebtedness incurred in the construction and equipment of works for the production, development, distribution or sale of power.
2. In the construction and extension of works for the production, development, distribution or sale of power.
3. In the construction, reconstruction, alteration, rebuilding, reassembling, replacing or whatever else may be necessary in respect of works for receiving power from the Commission and distributing it at a changed periodicity in alternations of current.
4. In purchasing or otherwise acquiring or constructing buildings for the occupation and use of the municipal electric utility as offices and for other business purposes, subject to the further approval of the Commission of the site, cost and plans of any such building and, if so approved, any such building may be larger than is required for the immediate use of the municipal electric utility, and any part of any such building not immediately required for the use of the municipal electric utility may be leased by it.
5. In the renewal of any such building.
6. In the purchase of any of the following securities:
 - i. The bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or the Government of Ontario.
 - ii The deposit receipts, deposit notes, certificates of deposit and other similar instruments issued by any chartered bank to which the *Bank Act* (Canada) applies.
 - iii The guaranteed investment certificates of any trust company that is registered under *The Loan and Trust Corporations Act*. 1966, c. 119, s. 1.

1953-54,
c. 48 (Can.)

R.S.O. 1970,
c. 254

When
accounts of a
corporation
show a
surplus

103.—(1) Whenever it appears from the accounts of a municipal corporation or municipal commission receiving electrical power from the Commission for distribution that there is a surplus of revenue derived from or pertaining to an electric utility over the expenses thereof after providing for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works for the production, development, distribution or sale of electrical power, and for such depreciation and other reserves as the Commission considers proper, the surplus shall be applied and disposed of in such manner as the Commission by general regulation or special order may direct.

(2) Subsection 1 applies to every municipal corporation or municipal commission that has entered into a contract with the Commission for the supply of electrical power and has effect notwithstanding any general or special Act, and shall be deemed so to have applied and to have had effect since the 16th day of April, 1912.

Application
of section

(3) Any member of the council of a municipal corporation and any member of a municipal commission where such municipal corporation or municipal commission is receiving electrical power from the Commission for distribution by an electric utility who is in any manner a party to any disposition or application of a surplus referred to in subsection 1 other than that directed by the Commission, or to any disposition, use, application or dealing with funds pertaining to such electric utility in any manner prohibited by this or any other Act shall forfeit his office and proceedings may thereupon be taken against him as provided in *The Municipal Act* in the case of a member of a municipal council who has become disqualified, and the Commission may take the same proceedings in respect thereof as might be taken by a ratepayer of the municipality.

Liability for
misapplica-
tion of funds

R.S.O. 1970,
c. 284

(4) If it is found upon such proceedings that such member of the municipal council or commission has forfeited his office, he is disqualified from holding any municipal office for a period of two years thereafter. R.S.O. 1960, c. 300, s. 106.

Disqualifi-
cation

104. A municipal corporation or municipal commission and any company or individual neglecting or refusing to obey and carry out any order, regulation, prohibition or direction of the Commission or of a member thereof made under section 93, or any order, regulation, prohibition or direction of the Commission made under sections 73, 94, 96, 97, 98, 99, 100 and 103, in addition to any other liability, shall forfeit to Her Majesty for the use of Ontario, the sum of \$100 for each day during which such neglect or refusal continues. R.S.O. 1960, c. 300, s. 107.

Orders of
Commission,
penalty for
disobeying

105.—(1) Where the Commission is of opinion that it is necessary or expedient for the protection of life or property, or for the convenience of the public, that the use of overhead lines upon any highway or part thereof in a city or town, including the wires of telegraph, telephone, or power companies, should be discontinued, the Commission may so direct, and, upon such terms and subject to such conditions as it prescribes, may require that such wires be placed and carried in underground conduits to be constructed and maintained in accordance with the directions and to the satisfaction of the Commission, and may abrogate any right to carry lines on poles in such city or town that may have been given by any Act or by any municipal by-law, licence or agreement.

Ordering
wires under
ground

Interpre-
tation

(2) In this section, as in sections 106 and 107,

- (a) "lines" means the wires, cables or other conductors used for the purpose of conveying or distributing power for telegraph, telephone or power purposes;
- (b) "company" includes a municipal corporation or municipal commission, a partnership and an individual, owning, leasing, using or controlling lines in a city or town. R.S.O. 1960, c. 300, s. 108.

Construction
of tunnel

106.—(1) Where a city or town is willing to undertake the construction of a tunnel, conduits or other system for carrying lines underground in any highway or part thereof, the Commission, upon such terms and subject to such conditions as it may prescribe, may require all companies whose lines are carried overhead upon any such highway or public communication to make use of such tunnel or conduits or other system for the purpose of carrying their lines, and to pay to the municipality such compensation for the use thereof as is agreed upon or as the Commission may determine, and such compensation may be either a lump sum or a sum to be paid annually or periodically as the Commission may determine and direct.

Powers of
corporation
of city or
town
R.S.O. 1970,
c. 284

(2) Where a city or town desires to construct a tunnel, conduits or other system for the purpose mentioned in subsection 1, it may do so and may exercise in respect thereof the powers of expropriation conferred upon the corporation by *The Municipal Act*.

Works
subject to
direction of
Commission

(3) All works undertaken under this section shall be done in accordance with the directions and to the satisfaction of the Commission, and shall be maintained, kept in repair, altered, enlarged or improved to the satisfaction of the Commission and as it may direct. R.S.O. 1960, c. 300, s. 109.

Overhead
lines, dis-
obedience
of orders
respecting

107. If any order or direction of the Commission for discontinuing the use of overhead lines is not obeyed, the lines, poles and other structures in connection therewith upon the highway shall be deemed to be unlawfully erected and maintained, and may be removed by or under the direction of the Commission and at the expense of the owner or user of them, and the company owning or using such lines shall incur a penalty of \$100 for each day during which the order of the Commission is disobeyed. R.S.O. 1960, c. 300, s. 110.

PART VI

MUNICIPAL COMMISSIONS

Municipal
commissions
to be estab-
lished
R.S.O. 1970,
c. 390

108.—(1) Except as provided in this section, notwithstanding anything in any general or special Act, subsection 3 of section 40 of *The Public Utilities Act* applies in every city and town that

has entered into a contract with the Commission for the supply of power and a commission shall be established under Part III of *The Public Utilities Act* for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of power. R.S.O. 1960, c. 300, s. 111 (1). R.S.O. 1970,
c. 390

(2) Notwithstanding *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, in a city having a population of 60,000 or over according to the last enumeration of the assessor, the corporation of which has entered into a contract with the Commission under this Act, the commission to be established for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of power may consist of three members, one of whom shall be the mayor of the city, one of whom shall be appointed by the municipal council of the city for two years and until his successor is appointed, and the third of whom shall be appointed by the Commission for two years and until his successor is appointed, and such appointees are eligible for reappointment. R.S.O. 1960, c. 300, s. 111 (2); 1961-62, c. 106, s. 11. Municipal
commission,
how com-
posed in city
of 60,000
or over

(3) If an appointed member of a commission referred to in subsection 2 dies, or wishes to resign, or refuses to act, or becomes unable from any cause to perform his duties, the municipal council or the Commission, as the case may be, may appoint a successor in his stead for the remainder of his term of office, and such successor is eligible for reappointment. R.S.O. 1960, c. 300, s. 111 (3). Appointment
of successor
to commis-
sioner
appointed by
Commission

109. Where by this Act or by any contract heretofore or hereafter entered into between the Commission and a municipal corporation, duties are imposed upon or covenants or undertakings are entered into by the municipal corporation, they extend to and shall be deemed to include and are binding upon any commission having the management or control of any public utility or other municipal undertaking for and on behalf of the municipal corporation, and any board of education, board of secondary school trustees or board of public school trustees appointed or elected for the municipality represented by the municipal corporation. R.S.O. 1960, c. 300, s. 112. Agreement
to extend
to municipal
commissions,
boards, etc.

CHAPTER 355

The Power Commission Insurance Act

1. In this Act,

Interpre-
tation

- (a) "Commission" means The Hydro-Electric Power Commission of Ontario;
- (b) "insurance corporation" means a corporation licensed to transact the business of insurance and enter into contracts for insurance in Ontario under *The Insurance Act*;
- (c) "municipal authority" means a municipal corporation or commission distributing electrical power or energy in a municipality. R.S.O. 1960, c. 301, s. 1.

R.S.O. 1970,
c. 224

2.—(1) The Commission may enter into an agreement with any municipal authority or group of municipal authorities authorizing the Commission to contract with an insurance corporation or with Her Majesty pursuant to the *Government Annuities Act* (Canada) for insurance for the employees of such municipal authority or municipal authorities by way of service annuities, income annuities or death or disability benefits or such other benefits as may by the Commission be considered expedient and for payment by the municipal authority or authorities of the cost of such insurance and the cost of or incidental to the administration and operation of the contract, and any other expenses incurred or for which the Commission may be liable in connection therewith.

Agreement
between
Commission
and mun-
icipal
authority
R.S.C. 1952,
c. 132

(2) The Commission on behalf of any such municipal authority or group may, with the approval of the Lieutenant Governor in Council, enter into an agreement with an insurance corporation or with Her Majesty pursuant to the *Government Annuities Act* (Canada) for providing insurance for the employees of such municipal authority or group by way of service annuities, income annuities or death or disability benefits, or such other benefits as may by the Commission be considered expedient, and for the enforcement of any such contract and for the administration of its operation by the Commission or by any other person or corporation on behalf of such municipal authority or group.

Agreement
with
insurance
corporation

(3) Notwithstanding anything in subsection 1 or in any agreement made thereunder, the Commission, with the approval of the Lieutenant Governor in Council, may enter into further agreements with any such insurance corporation or with Her Majesty pursuant to the *Government Annuities Act* (Canada) varying,

Power to
amend

adding to or modifying as the Commission considers necessary or advisable any agreement entered into under subsection 2 or this subsection and every such further agreement is legal, valid and binding upon each municipal authority on behalf of which it is entered into and upon the successors and assigns of such municipal authority. R.S.O. 1960, c. 301, s. 2.

Cost of
insurance,
how borne

3.—(1) The cost of insurance and the cost of and incidental to the administration and operation of the contract and any other expenses incurred or for which the Commission may be liable in connection therewith is payable by each of the municipal authorities on whose behalf the contract is undertaken as part of the cost of operation of the works of the municipal authority and shall be apportioned and distributed by the Commission among the municipal authorities in any such group in such manner as the Commission considers equitable.

Regulations

(2) The Commission, with the approval of the Lieutenant Governor in Council, may make regulations prescribing the terms and conditions for the required payments under subsection 1, and the time and manner in which such payments shall be made and the returns and the accounts to be furnished by any municipal authority and the contributions to be made by the employees of any municipal authority party to the agreement. R.S.O. 1960, c. 301, s. 3.

Agreement
between
municipal
authority
and Her
Majesty
R.S.C. 1952,
c. 132

4. Upon the recommendation of the Commission and with the approval of the Lieutenant Governor in Council, a municipal authority may enter into an agreement with Her Majesty pursuant to the *Government Annuities Act* (Canada) for providing insurance for the employees of such municipal authority by way of service annuities, income annuities or death or disability benefits, or such other benefits as may by the Commission be considered expedient. R.S.O. 1960, c. 301, s. 4.

CHAPTER 356

The Power Control Act

1. In this Act,

Interpre-
tation

- (a) “Commission” means The Hydro-Electric Power Commission of Ontario;
- (b) “land” means real property of whatsoever nature or kind, and includes tenements, hereditaments and appurtenances, any estate, term, easement, right or interest in, to, over, under or affecting land, and water rights, water powers and water privileges;
- (c) “owner” includes a mortgagee, lessee, tenant, occupant, or any person entitled to any estate or interest in land or works, and a guardian, committee, executor, administrator or trustee in whom land or works or any property or interest therein is vested;
- (d) “power” includes any hydraulic, electrical, steam or other power and also includes energy;
- (e) “regulations” means the regulations made under this Act;
- (f) “supply” includes delivery, dealing in, and sale;
- (g) “works” includes all property, plant, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment constructed, acquired or used in the generation, transformation, transmission, distribution, supply or use of power. R.S.O. 1960, c. 302, s. 1.

2. The Commission has authority to regulate and control the generation, transformation, transmission, distribution, supply and use of power in Ontario, and, without limiting the generality of the foregoing, the Commission may,

Powers of
Commission

- (a) restrict or prohibit the supply or use of power or the supply or use of power to or by any person and divert or apportion power or give priority or preference to any user of power in order to effect what is in the opinion of the Commission the most economical, efficient and equitable use and distribution of power;
- (b) direct any owner to generate or supply power at any specified rate not exceeding the full capacity of his works;

- (c) hear and decide any dispute between any owner and any user of power concerning any matter over which the Commission has jurisdiction under this Act and make such direction as it considers proper in accordance with its decision;
- (d) decide and direct to whom, at what prices and under what conditions power may be supplied; and
- (e) do such acts and give such directions as may be necessary for the carrying out or enforcement of the provisions of this Act and the regulations. R.S.O. 1960, c. 302, s. 2.

Regulations

3. Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations,

- (a) requiring any owner to furnish to the Commission information regarding,
 - (i) his land and works including the capacity, output, cost and use thereof,
 - (ii) his assets, liabilities, revenues, expenses and operations, and
 - (iii) the supply of power by him to other persons including particulars of quantities, prices, terms, conditions, points of delivery and use;
- (b) requiring any person to furnish to the Commission information regarding the supply of power to him, including particulars of quantities, prices, terms, conditions, points of delivery and use, and by whom supplied;
- (c) prescribing the manner of deciding and determining preferences and priorities in the supply and use of power and providing for the apportioning of power among different users or classes of users and the diversion of power from one or more users or classes of users to other users or classes thereof;
- (d) restricting or prohibiting the supply or use of power for any particular purpose;
- (e) providing for the setting of prices at which and for the fixing of terms and conditions under which power may be supplied in Ontario, either generally or for one or more users or classes of users;
- (f) providing for the entry upon and inspection of land and works including the making of inventories and valuations thereof, the examination of books, accounts, records and documents relating thereto and generally the obtaining of information in connection therewith;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 302, s. 3.

4. When any owner or other person is unable to supply power under any contract or obligation because of compliance with this Act or the regulations or any direction of the Commission made thereunder, such owner or other person is relieved from all liability for his failure to supply power on account of such inability. R.S.O. 1960, c. 302, s. 4.

Protection
for failure
to supply

5.—(1) Where the Commission is satisfied that an owner is not using his land and works, or either of them, to full capacity or best advantage for the generation or supply of power or is neglecting or refusing to comply with a direction of the Commission or the provisions of this Act or the regulations, the Commission may purchase or acquire and may, without the consent of the owner, enter upon, take and expropriate any of his lands or works that it considers necessary for the generation, transformation, transmission, distribution or supply of power.

Acquisition
of land and
works

(2) Where lands or works are purchased, acquired, entered upon, taken or expropriated under this section, the Commission, in its discretion, may acquire absolute title or a limited estate, right or interest therein either on a rental basis or otherwise as it considers desirable in the circumstances, provided that whether or not it acquires absolute title to any such land or works, the Commission may use such land and works in such manner as it considers proper and may divert water therefrom, close, repair, rehabilitate, extend, improve or reconstruct such works and may construct other works in lieu thereof or in addition thereto.

Title
acquired

(3) The provisions of *The Power Commission Act* and *The Public Works Act* as to the purchase, acquisition, entry upon, taking and expropriation of land apply *mutatis mutandis* to the purchase, acquisition, entry upon, taking and expropriation of land and works under this Act, but where any of the provisions of *The Power Commission Act* conflict with any of the provisions of *The Public Works Act*, the former prevails. R.S.O. 1960, c. 302, s. 5, *part*.

Authority
to acquire
R.S.O. 1970,
cc. 354, 393

(4) *The Expropriations Act* applies to an expropriation under this section. R.S.O. 1960, c. 302, s. 5 (3), *part, amended*.

Application of
R.S.O. 1970,
c. 154

6.—(1) Every owner or other person who contravenes any of the provisions of this Act or the regulations or who neglects or refuses to comply with any direction of the Commission is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than \$5,000, for a second offence, to a fine of not more than \$10,000 and for a subsequent offence, to a fine of not more than \$25,000, and where such owner or other person is a corporation, the president, directors and the manager or other person in charge are each personally liable to a similar fine.

Offences

Disposition
of fines

(2) The fines recovered for offences against this section are payable to the Commission. R.S.O. 1960, c. 302, s. 6.

Other
powers of
Commission

7.—(1) In exercising or performing any power or duty conferred or imposed upon it by this Act or the regulations the Commission has and may exercise any authority, right, power, privilege or immunity that it possesses under *The Power Commission Act* or any other Act or under any other authority.

R.S.O. 1970,
c. 354

Idem

(2) The powers conferred by this Act shall be deemed to be in addition to and not in derogation of any power conferred upon the Commission by any other Act, but where the provisions of any other Act conflict with the provisions of this Act, the latter prevail. R.S.O. 1960, c. 302, s. 7.

CHAPTER 357

The Powers of Attorney Act

1. Where a power of attorney for the sale or management of real or personal estate, or for any other purpose, provides that it may be exercised in the name and on behalf of the heirs or devisees, executors or administrators of the person executing it, or provides by any form of words that it shall not be revoked by the death of the person executing it, such provision is valid and effectual, subject to such conditions and restrictions, if any, as are therein contained. R.S.O. 1960, c. 303, s. 1.

Express provision for exercise after decease of constituent

2.—(1) Independently of such special provision in a power of attorney, every payment made and every act done under and in pursuance of a power of attorney, or a power, whether in writing or verbal, and whether expressly or impliedly given, or an agency expressly or impliedly created, after the death of the person who gave such power or created such agency, or after he has done some act to avoid the power or agency, are, notwithstanding such death or act, valid as respects every person who is a party to such payment or act, to whom the fact of the death, or of the doing of such act, was not known at the time of such payment or act *bona fide* made or done, and as respects all claiming under such last-mentioned person.

Validity of acts or payments *bona fide* after decease or revocation

(2) Nothing in this section affects the right of any person entitled to the money against the person to whom the payment is made, and the person so entitled has the same remedy against the person to whom the payment is made as he would have had against the person making the payment. R.S.O. 1960, c. 303, s. 2.

Saving

CHAPTER 358

The Prearranged Funeral Services Act

1. In this Act, “funeral services” means the services of a funeral director licensed under *The Embalmers and Funeral Directors Act* and the provision of any matter, thing or service for the purpose of a funeral, other than a cemetery plot. 1961-62, c. 108, s. 1; 1968, c. 99, s. 1.

Interpretation
R.S.O. 1970,
c. 144

2. Unless he is an insurer licensed under *The Insurance Act*, or a funeral director licensed under *The Embalmers and Funeral Directors Act*, no person shall agree or offer to agree, for a consideration that is fixed by the agreement, to furnish or make provision for funeral services upon the death of a person who is alive at the time the agreement or offer is made. 1961-62, c. 108, s. 2; 1968, c. 99, s. 2.

Agreements
for pre-
arranged
funeral
services
R.S.O. 1970,
cc. 224, 144

3. Every agreement entered into before the 18th day of April, 1962 and which would contravene this Act if it were entered into on or after that date is null and void and shall be deemed to be a contract to which *The Frustrated Contracts Act* applies. 1961-62, c. 108, s. 3.

When
existing
agreements
void
R.S.O. 1970,
c. 185

4. Every funeral director who receives money under an agreement referred to in section 2 shall receive and hold the money in trust until the agreement has been fully performed by him. 1961-62, c. 108, s. 4; 1968, c. 99, s. 3.

Money in
trust

5.—(1) The Lieutenant Governor in Council may make regulations governing the manner in which trust accounts shall be kept and accounted for and providing for their inspection. 1961-62, c. 108, s. 5 (1).

Regulations

(2) The Board of Administration appointed under *The Embalmers and Funeral Directors Act* shall cause the trust accounts to be inspected as required by the regulations, and any misuse of trust funds by a funeral director shall be deemed to be sufficient grounds for cancellation of his licence under *The Embalmers and Funeral Directors Act*. 1961-62, c. 108, s. 5 (2); 1968, c. 99, s. 4.

Inspection
and misuse
of trust
money

6. Every person who contravenes section 2 is guilty of an offence and on summary conviction is liable, if an individual, to a fine of not more than \$1,000, and, in default of payment, to imprisonment for not more than three months, and, if a corporation, to a fine of not more than \$2,000. 1961-62, c. 108, s. 6.

Offence

CHAPTER 359

The Pregnant Mare Urine Farms Act**1.** In this Act,Interpre-
tation

- (a) “Board” means the P.M.U. Licence Review Board;
- (b) “Director” means the Director of the Veterinary Services Branch of the Department of Agriculture and Food;
- (c) “foal” means a young horse;
- (d) “inspector” means an inspector appointed under this Act;
- (e) “Minister” means the Minister of Agriculture and Food;
- (f) “P.M.U. contractor” means a person who is not the operator of a P.M.U. farm and who, for consideration, enters into a contract respecting the sale of urine from pregnant mares;
- (g) “P.M.U. farm” means premises on which pregnant mares are kept for the collection of urine;
- (h) “regulations” means the regulations made under this Act;
- (i) “veterinarian” means a person registered under *The Veterinarians Act*. 1968-69, c. 97, s. 1.

R.S.O. 1970,
c. 480

2.—(1) The board known as the “P.M.U. Licence Review Board” is continued and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure. 1968-69, c. 97, s. 2 (1), *amended*.

P.M.U.
Licence
Review
Board
continued

(2) No member of the Board shall hold office for more than five consecutive years.

Term of
office

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Chairman
and vice-
chairman

(4) A majority of the members of the Board constitutes a quorum.

Quorum

Remuneration

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. 1968-69, c. 97, s. 2 (2-5).

Licences

3.—(1) No person shall commence or continue to be the operator of a P.M.U. farm or a P.M.U. contractor without a licence therefor from the Director.

Requirements for licence

(2) No person shall be granted a licence as the operator of a P.M.U. farm unless he,

- (a) is experienced in the proper care and handling of horses; and
- (b) possesses all vehicles, tools, implements, buildings and dietary materials necessary to properly care for and handle horses on his premises.

Suspension or revocation of licence

(3) A licence may be suspended or revoked where,

- (a) the licensee is the operator of a P.M.U. farm and has not properly maintained any of the facilities, equipment or materials referred to in clause *b* of subsection 2; or
- (b) the licensee or any person employed by him or associated with him in connection with his operation as licensee has failed to observe or carry out the provisions of,
 - (i) this Act or the regulations, or
 - (ii) any other Act relating to cruelty, maltreatment or neglect of animals. 1968-69, c. 97, s. 3.

Issue of licence

4.—(1) Subject to section 12, the Director shall issue a licence as an operator of a P.M.U. farm to an applicant therefor unless, in his opinion, the applicant does not comply with clauses *a* and *b* of subsection 2 of section 3.

Idem

(2) Subject to section 12, the Director shall issue a licence as a P.M.U. contractor to an applicant therefor.

Refusal of licence

(3) Where the Director is of the opinion that an applicant for a licence as an operator of a P.M.U. farm does not comply with clauses *a* and *b* of subsection 2 of section 3, he may refuse to issue the licence.

Suspension or revocation of licence

(4) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 3 of section 3 applies, he may suspend or revoke the licence.

Where Director refuses to issue or proposes to suspend or revoke a licence

(5) Where the Director refuses to issue or proposes to suspend or revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed suspension or revocation and a notice stating the right to a hearing by the Board, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen

days after receipt of the notice of refusal or proposed suspension or revocation, require a hearing by the Board.

(6) The chairman of the Board shall fix a time, date and place at which the Board will hear the matter and shall serve notice of the hearing on the parties at least ten days before the day fixed. Notice of hearing

- (7) The notice of hearing shall contain, Contents of notice
- (a) a statement of the time and place of the hearing;
 - (b) a reference to the rules of procedure applicable to the hearing; and
 - (c) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings. 1968-69, c. 97, s. 4.

5.—(1) The Director, the applicant or licensee and any other person specified by the Board are parties to the hearing. Parties

(2) If a person who has been duly notified of a hearing does not attend, the Board may proceed in his absence and he is not entitled to notice of any further proceedings. 1968-69, c. 97, s. 5. Failure to attend

6.—(1) A hearing may be adjourned from time to time by the Board on reasonable grounds, Adjournment

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

(2) The Board may command the attendance before it of any person as a witness. Subpoena

- (3) The Board may require any person, Oaths
- (a) to give evidence on oath at a hearing; and
 - (b) to produce such documents and things as the Board requires.

(4) The Board may admit evidence not given under oath. Idem

- (5) Any person who, without lawful excuse, Offences
- (a) on being duly summoned as a witness before the Board, makes default in attending; or
 - (b) being in attendance as a witness before the Board, refuses to take an oath legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

- (c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforce-
ment

(6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. 1968-69 c. 97, s. 6.

Right of
party to
counsel

7.—(1) Any party may be represented before the Board by counsel or agent.

Right of
witness to
counsel

(2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Exclusion
of counsel

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. 1968-69, c. 97, s. 7.

Rights of
parties at
hearing

8. At a hearing before the Board, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. 1968-69, c. 97, s. 8.

Hearings to
be open to
public;
exceptions

9.—(1) All hearings shall be open to the public except where the Board finds that,

- (a) public security may be involved; or
- (b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Board shall hold the hearing as to any such matters *in camera*.

Idem

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions. 1968-69, c. 97, s. 9.

Evidence

10.—(1) At a hearing before the Board,

- (a) except where otherwise provided in this section, the common law and statutory rules of evidence apply;
- (b) evidence not admissible under clause *a* may be admitted by the Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and

- (c) the Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. 1968-69, c. 97, s. 10. Release of exhibits

11.—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper, and for this purpose the Board may substitute its opinion for that of the Director. Powers of Board

(2) A licence that is suspended or revoked pursuant to a decision of the Board under subsection 1 shall, where an appeal is instituted under section 13, remain suspended or revoked until the appeal is determined. Licence to remain suspended or revoked

(3) The Board shall serve each party with a notice of its decision, together with the reasons therefor in writing, and a notice stating the right to an appeal under section 13, either personally or by registered mail addressed to the party at his last known address. Notice of order

(4) The reasons for the decision shall contain, Contents of reasons for decision

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of fact; and

(c) the conclusions of law based on the findings mentioned in clauses *a* and *b*. 1968-69, c. 97, s. 11.

12. The Director shall not issue a licence to any person who formerly held a licence as an operator of a P.M.U. farm or as a P.M.U. contractor, as the case may be, and whose licence was revoked less than one year before the date of the application. 1968-69, c. 97, s. 12. When licence not to issue

13.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court, Material on appeal

- (a) the notices referred to in subsections 5 and 6 of section 4 and in subsection 3 of section 11;
- (b) the written reasons for the decision of the Board; and
- (c) all written submissions to the Board and other material including documentary evidence received by it in connection with the hearing.

Decision
of court

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director to do any act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. 1968-69, c. 97, s. 13 (1-4).

Appoint-
ment of
chief
inspector
and
inspectors

14.—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary, and, notwithstanding any other Act, such inspectors have exclusive authority to initiate proceedings to enforce the provisions of this Act and the regulations.

Certificate
of
appointment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Powers of
inspector

(3) Subject to subsections 4, 5, 6 and 7, an inspector may, for the purpose of carrying out his duties under this Act,

- (a) enter any premises, car, truck or other conveyance in which he believes on reasonable and probable grounds there are horses that are used, or that are intended to be used, in connection with a P.M.U. farm, or any foals of such horses, and inspect the premises, car, truck or other conveyance, any facilities or equipment therein and any horse therein;
- (b) demand the production or furnishing by the owner or custodian thereof of any books, records or documents or of extracts therefrom relating to horses that he believes on reasonable and probable grounds are used or intended to be used in connection with a P.M.U. farm, or any foals of such horses; and
- (c) demand the production or furnishing by the owner or custodian thereof of any books, records or documents or of extracts therefrom that he believes on reasonable and probable grounds are related to urine from pregnant mares.

When
powers to
be exercised

(4) An inspector shall exercise his powers under subsection 3 only between sunrise and sunset, but nothing in this section

affects the issuance and execution of a warrant under section 16 of *The Summary Convictions Act*.

R.S.O. 1970,
c. 450

(5) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Production
and photo-
copying of
records, etc.

(6) Where a book, record, document or extract has been photocopied under subsection 5, a photocopy purporting to be certified by the Minister, or a person thereunto authorized by the Minister, to be a copy made pursuant to subsection 5 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Certification
of photocopy

(7) Where an inspector makes a demand under clause *b* or *c* of subsection 3, the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required.

Demand to
be in
writing

(8) *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* does not apply in respect of horses in the possession of a licensed operator of a P.M.U. farm. 1968-69, c. 97, s. 14.

1955, c. 58,
not to apply

15. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information. 1968-69, c. 97, s. 15.

Obstruction
of inspector

16.—(1) No operator of a P.M.U. farm shall transfer possession to any other person of a foal that is less than ninety days old unless,

Transfer of
possession
of foals

- (a) the dam thereof has died;
- (b) possession of the dam is transferred with the foal to the same person; or
- (c) he has a permit for the transfer of possession of foals issued by the Director in the manner prescribed in the regulations.

(2) The operator of every P.M.U. farm shall submit to the Director such reports respecting horses used in connection with the P.M.U. farm, and any foals thereof, as may be prescribed in the regulations.

Reports

(3) No person shall sell urine from pregnant mares unless he is the holder of a licence as the operator of a P.M.U. farm or as a P.M.U. contractor. 1968-69, c. 97, s. 16.

Sale of
urine

Offence

17.—(1) Every person who contravenes any of the provisions of this Act, other than subsection 2 of section 16, or the regulations, other than a regulation made under clause *h* or *j* of section 19, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

Idem

(2) Every person who contravenes the provisions of subsection 2 of section 16, or of a regulation made under clause *h* or *j* of section 19, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a subsequent offence to a fine of not more than \$100. 1968-69, c. 97, s. 17.

Injunction proceedings

18. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or against any Act relating to cruelty, maltreatment or neglect of animals has been or is being committed by any person who is the operator of a P.M.U. farm or who is employed by or associated with any such person, the Supreme Court or a judge thereof may, upon the application of the Director, enjoin any such person from being engaged in any way in the operation of such P.M.U. farm absolutely or for such period as seems just. 1968-69, c. 97, s. 18.

Regulations

19. The Lieutenant Governor in Council may make regulations,

- (a) providing for the manner of issuing licences, prescribing their duration and the fees payable therefor;
- (b) prescribing further procedures for hearings before the Board;
- (c) providing for the issuing by the Director to a licensed operator of a P.M.U. farm of a permit for the transfer of possession of foals and prescribing the terms and conditions for the issuing and revocation of such permits;
- (d) prescribing the buildings, facilities and equipment to be provided by the operator of a P.M.U. farm or any class thereof;
- (e) prescribing standards for the health, welfare and care of horses, or any class thereof, in a P.M.U. farm;
- (f) prescribing facilities and equipment for the transportation of horses that are used or are intended to be used in connection with a P.M.U. farm;

- (*g*) classifying P.M.U. farms, requiring the operators of any class of P.M.U. farm to provide for the services of a veterinarian in connection with the care of horses in the P.M.U. farm and prescribing the terms and conditions on which such services shall be provided in respect of any such class;
 - (*h*) prescribing the records to be made and kept by the operator of a P.M.U. farm or any class thereof or by a P.M.U. contractor and prescribing the places at which such records shall be kept;
 - (*i*) prescribing reports to be submitted to the Director by the operator of a P.M.U. farm;
 - (*j*) prescribing methods for the identification of horses;
 - (*k*) prescribing forms and providing for their use;
 - (*l*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.
- 1968-69, c. 97, s. 19.
-

CHAPTER 360

The Prepaid Hospital and Medical Services Act**1.** In this Act,Interpre-
tation

- (a) “association” means any company or corporation incorporated for the purpose of establishing, maintaining and operating a hospital or medical service or providing prescription drugs on a non-profit prepayment basis, whereby any one or more of hospital, medical, surgical, nursing or dental services or provision of prescription drugs or payment therefor may be provided to persons who become subscribers with, or members of, such company or corporation, or for these and similar purposes, but does not include an insurer licensed under *The Insurance Act* or a pension fund or employees’ mutual benefit society incorporated under Part VI of *The Corporations Act*;

R.S.O. 1970,
cc. 224, 89

- (b) “pharmacist” means a person registered as a pharmaceutical chemist under *The Pharmacy Act*;
- (c) “prescription drug” means a drug as defined in *The Pharmacy Act* dispensed upon the prescription of a legally qualified medical practitioner or dentist to a named person, and includes such drug mixed with any other drug or substance;
- (d) “Superintendent” means the Superintendent of Insurance under *The Insurance Act*. R.S.O. 1960, c. 304, s. 1; 1968-69, c. 98, ss. 1, 2, *amended*.

R.S.O. 1970,
c. 348

2. Every association registered under this Act is exempt from *The Insurance Act*. R.S.O. 1960, c. 304, s. 2.

Registered
associations
exempt from
R.S.O. 1970,
c. 224

3. No letters patent granting a charter to an association under *The Corporations Act* and no articles of incorporation of an association under *The Business Corporations Act* shall be issued without the written approval of the Superintendent. R.S.O. 1960, c. 304, s. 3, *amended*.

Incorpo-
ration
R.S.O. 1970,
cc. 89, 53

4. No association shall, in Ontario, contract to furnish hospital, medical, surgical, nursing or dental service or prescription drugs, or any combination of them, on a prepayment basis or make payment therefor unless registered under this Act. R.S.O. 1960, c. 304, s. 4; 1968-69, c. 98, s. 3.

No associ-
ation to
carry on
business
unless
registered

Application
for regis-
tration

5.—(1) Every application for registration shall be made in writing to the Superintendent and shall be accompanied,

- (a) by the prescribed fee;
- (b) by a certified copy of the Act or other instrument of incorporation of the association and of its constitution, by-laws and regulations;
- (c) by a copy of every contract or proposed contract with a hospital, physician, pharmacist and other person for the rendering of services to subscribers or members;
- (d) by a copy of every form of contract or proposed contract with subscribers or members;
- (e) by a certified list of rates charged or to be charged to subscribers or members together with details of the benefits that the association contracts to furnish to subscribers or members;
- (f) by a copy of the balance sheet of the association and a statement of income and expenditures as of the close of its last fiscal year, certified by the president, or vice-president, and the managing director or some other principal officer of the association and reported on by its auditor;
- (g) by such information or material as the Superintendent may require. R.S.O. 1960, c. 304, s. 5 (1); 1968-69, c. 98, s. 4 (1).

Registration
to be
granted by
Superin-
tendent

(2) The Superintendent shall grant registration to an association if he is satisfied,

- (a) that the applicant is established as a *bona fide* association;
- (b) that the contracts and proposed contracts with hospitals, physicians, pharmacists or other persons for the rendering of service to subscribers or members and the contracts or proposed contracts with subscribers or members are fair and reasonable;
- (c) that the applicant has established and has such working capital and reserves as the Superintendent considers adequate; and
- (d) that the rates charged or to be charged to subscribers or members are not excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable;
- (e) that the applicant has complied with the provisions of subsection 1. R.S.O. 1960, c. 304, s. 5 (2); 1968-69, c. 98, s. 4 (2); 1970, c. 106, s. 1.

6.—(1) Every application for renewal of registration shall be made in writing to the Superintendent on or before the 21st day of March in each year and shall be accompanied by the prescribed fee and such information and material as the Superintendent may require. R.S.O. 1960, c. 304, s. 6 (1).

Application
for renewal
of regis-
tration

(2) The Superintendent shall grant renewal of registration to an association if he is satisfied,

Renewal of
registration

- (a) that the contracts and proposed contracts with hospitals, physicians, pharmacists or other persons for the rendering of service to subscribers or members and the contracts or proposed contracts with subscribers and members are fair and reasonable;
- (b) that the applicant has such working capital and reserves as the Superintendent considers adequate;
- (c) that the rates charged or to be charged to subscribers or members are not excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable; and
- (d) that the applicant has complied with subsection 1. R.S.O. 1960, c. 304, s. 6 (2); 1968-69, c. 98, s. 5; 1970, c. 106, s. 2.

7.—(1) An association shall file with the Superintendent any proposed change in rates at least thirty days prior to the effective date of the change, together with particulars as to how any such rate is made up, and shall furnish such other further information with respect thereto that the Superintendent may require.

Filing of
proposed
rate
change

(2) The Superintendent may, within thirty days of the filing with him of any notice of a proposed change in rates, by order prohibit the proposed change in rates if, in his opinion, such proposed change in rates would be excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable. 1970, c. 106, s. 3.

Order of
prohibition

8. Every registration and renewal of registration lapses on the 31st day of March in each year. R.S.O. 1960, c. 304, s. 7.

Termination
and renewal
of regis-
tration

9.—(1) The Superintendent may suspend or cancel any registration upon any grounds that would justify refusal to grant registration or renewal of registration or where the association fails to comply with any provision of this Act. R.S.O. 1960, c. 304, s. 8.

Suspension
and cancel-
lation

(2) Any registration, or renewal of registration, may be granted by the Superintendent subject to such limitations and conditions relating to the operations of the association that the Superintendent considers necessary to give effect to this Act or for

Conditional
or limited
registration

the protection of persons, subscribers or members of any association in Ontario.

Application
of s. 7,
ss. 12-17

(3) Where the registration of a registered association lapses or is suspended or cancelled and where the Superintendent considers it necessary for the protection of persons, subscribers or members, the Superintendent may designate the association as one to which this Act continues to apply and, until the designation is revoked, section 7 and sections 12 to 17 apply to such designated association in the same manner as to a registered association.

Winding up
R.S.O. 1970,
cc. 89, 53

(4) The Superintendent may apply to the court under section 274 of *The Corporations Act* or section 218 of *The Business Corporations Act* as appropriate for an order winding up an association that has ceased issuing contracts to its members or subscribers and sections 273 to 301 of *The Corporations Act* or sections 216 to 246 of *The Business Corporations Act*, as the case may be, apply thereto. 1970, c. 106, s. 4, *amended*.

Cancellation
by request of
association

10. The Superintendent may at the request of an association, evidenced as he directs, cancel its registration. R.S.O. 1960, c. 304, s. 9.

Further
application
for registra-
tion

11. Notwithstanding any decision of the Superintendent, a further application for registration or renewal of registration may be made upon new or other material or where it is clear that any material circumstance has changed. R.S.O. 1960, c. 304, s. 10.

Appeal

12.—(1) An association that considers itself aggrieved by a decision of the Superintendent may appeal therefrom to the Court of Appeal.

When to be
set down

(2) The appeal shall be set down for argument at the first sitting of the Court of Appeal that commences after the expiration of thirty days from the decision complained of.

Procedure

(3) The practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

Record

(4) The Superintendent shall certify to the Registrar of the Supreme Court the decision appealed from, his reasons therefor, and the documents, information and material he had before him in making such decision. R.S.O. 1960, c. 304, s. 11.

Filing of
by-laws

13.—(1) Every registered association shall deliver to the Superintendent within one month of the passing thereof a certified copy of any by-law passed by the board of directors.

Filing of
balance
sheet, etc.

(2) Not later than four months after the expiration of its fiscal year, every registered association shall file with the Superintendent a balance sheet and a statement of income and expenditures

for such fiscal year, certified by the president, or vice-president, and the managing director or some other principal officer of the association and reported on by its auditor, and such other financial statements as the Superintendent may require.

(3) On sufficient cause shown, the Superintendent may by writing extend the time for filing the statements required under subsection 2. R.S.O. 1960, c. 304, s. 12.

Time for filing may be extended

14.—(1) Not later than four months after the expiration of its last fiscal year, every registered association shall prepare a general statement of its affairs in a form approved by the Superintendent.

General statement of affairs

(2) On sufficient cause shown, the Superintendent may by writing extend the time for the preparation of a general statement of affairs under subsection 1.

Time may be extended for preparation

(3) Every such statement shall be attested by the signature of the president, or vice-president, and the managing director or some other principal officer of the association and shall be accompanied by the auditor's report.

Statement to be attested

(4) A copy of such statement shall be mailed or delivered without charge to any subscriber or member who requests a copy. R.S.O. 1960, c. 304, s. 13.

Copies to subscribers on request

15.—(1) The Superintendent or his duly authorized representative may at any time make or cause to be made an inspection of the books, documents and records of any registered association.

Inspection of books, etc.

(2) Upon any such inspection, the Superintendent or his duly authorized representative is entitled to free access to all books of account, cash, securities, documents, bank accounts, vouchers, correspondence and records of every description of the association, and no person shall withhold, destroy, conceal or refuse to furnish any information or thing reasonably required by the Superintendent or his representative under this section. R.S.O. 1960, c. 304, s. 14.

Access to books, etc.

16. A registered association may invest its funds in the same manner and subject to the same limitations as apply to a joint stock insurance company under *The Insurance Act*, and not otherwise. 1970, c. 106, s. 5, *amended*.

Investments

R.S.O. 1970, c. 224

17.—(1) A registered association may hold real property which, having been mortgaged or hypothecated to it, has been acquired by it for the protection of its investment, and real property conveyed to it in satisfaction of debts previously contracted in the course of its business, and may from time to time sell, mortgage, lease, exchange or otherwise dispose of such real

Power to hold real property

property, but the association shall sell any such real property within seven years after it has been so acquired.

Idem (2) A registered association may hold to its own use and benefit such real property as is necessary for the transaction of its business, or is acquired or held *bona fide* for building upon or improving for that purpose, and may sell, mortgage or dispose of such real property.

Power to acquire and construct building (3) A registered association, when authorized by its letters patent or by the Lieutenant Governor in Council, may construct on any lands held pursuant to subsection 2, or may acquire, a building larger than is required for the transaction of its business and may lease any part of the building not so required. R.S.O. 1960, c. 304, s. 16.

Fees for registration and renewal **18.** The fee for registration or renewal of registration for an association is, where the income from subscribers or members in the previous fiscal year,

did not exceed \$15,000	\$ 10
exceeded \$15,000 but did not exceed \$50,000	15
exceeded \$50,000 but did not exceed \$100,000	25
exceeded \$100,000 but did not exceed \$250,000	50
exceeded \$250,000 but did not exceed \$1,000,000	100
exceeded \$1,000,000	200

R.S.O. 1960, c. 304, s. 17.

Offence to carry on business unless registered **19.** Every association not registered under this Act that contracts to furnish hospital or medical service on a prepayment basis or makes payment therefor is guilty of an offence and on summary conviction is liable to a fine of \$100 for each day during which the association carries on such business. R.S.O. 1960, c. 304, s. 18; 1970, c. 106, s. 6.

CHAPTER 361

The Private Hospitals Act

1. In this Act,

Interpre-
tation

- (a) “applicant” means applicant or applicants, as the case may be;
- (b) “Commission” means the Ontario Hospital Services Commission;
- (c) “Department” means the Department of Health;
- (d) “house” means a building or other structure, whether permanent or temporary, intended for human habitation and, where two or more houses are situate on adjacent pieces of land and are occupied by the same person, they shall be deemed to constitute a single house for the purposes of this Act;
- (e) “inspector” means an officer of the Commission or of the Department designated under this Act as an inspector;
- (f) “Minister” means the Minister of Health;
- (g) “municipality” means a metropolitan municipality, city, separated town, or county, except that in a territorial district it means a city, town, village, township or improvement district;
- (h) “patient” means a person admitted to a private hospital for the purpose of treatment;
- (i) “private hospital” means a house in which four or more patients are or may be admitted for treatment, other than,
 - (i) a hospital or other establishment or institution supported in whole or in part by provincial aid,
 - (ii) an institution in respect of which a licence under *The Private Sanitaria Act* is in force,
 - (iii) an institution for the reclamation and cure of habitual drunkards established under *The Municipal Act*,
 - (iv) a house registered under *The Maternity Boarding Houses Act*,
 - (v) a lodging house licensed under a municipal by-law;
- (j) “regulations” means the regulations made under this Act;

R.S.O. 1970,
c. 363R.S.O. 1970,
c. 284R.S.O. 1970,
c. 264

- (k) "resident" means actually resident in a municipality for a period of three months within the six months next prior to admission to a private hospital;
- (l) "superintendent" means the person who has for the time being the direct and actual superintendence and charge of a private hospital;
- R.S.O. 1970,
c. 458 (m) "territorial district" means any of the territorial districts set forth in *The Territorial Division Act*;
- (n) "territory without municipal organization" means those parts of Ontario that are without municipal organization, including Indian reservations and provincial parks, but not including property of the Government of Canada used for the purposes of national defence installations, camps or stations;
- (o) "treatment" means the maintenance, observation, nursing and medical care and supervision of a patient. R.S.O. 1960, c. 305, s. 1; 1962-63, c. 107, s. 1; 1965, c. 101, s. 1; 1967, c. 77, s. 1.

Adminis-
tration and
enforcement
of Act

2. The Commission shall administer and enforce this Act and the regulations. R.S.O. 1960, c. 305, s. 2.

Licence
for private
hospital

3.—(1) No house shall be used by any person as a private hospital except under the authority of a licence issued by the Commission under this Act.

Offence

(2) Where a house is used as a private hospital in contravention of subsection 1, the occupier and all persons concerned in the management of the house or in the admission thereto or treatment therein of any patient are severally guilty of an offence and on summary conviction are liable to a fine of not more than \$25 for every day during which such use continued. R.S.O. 1960, c. 305, s. 3.

Use of term
"hospital"

4.—(1) No person shall use the term "hospital" in connection with a house unless such use is duly authorized.

Offence

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1960, c. 305, s. 4.

Approval
for licence

5.—(1) No licence shall be granted unless the house, its location with regard to neighbouring premises and its proposed facilities and equipment are approved by an inspector as suitable for the purposes indicated in the application and the Commission is satisfied as to the character and fitness of the applicant.

(2) No application under *The Corporations Act* or *The Business Corporations Act* to incorporate a corporation having as its object the operation of a private hospital shall be proceeded with until it has first received the approval of the Commission

Approval of
incorporation
R.S.O. 1970,
cc. 89, 53

(3) No licence shall be granted to a corporation unless the Commission is satisfied as to the character of each director and officer of the corporation and as to his fitness to direct, manage or be associated with the operation of a private hospital. R.S.O. 1960, c. 305, s. 5.

Directors
and officers

(4) When a licence is granted, the Commission shall determine the class of hospital that may be operated and shall show such class on the face of the licence. 1962-63, c. 107, s. 2.

Class of
hospital to
be shown
on licence

6.—(1) Every application for a licence to operate a private hospital shall be made in writing to the Commission and shall contain the following particulars:

Application
for licence

1. The full name, place of residence, occupation and qualifications of the applicant.
2. A statement of the estate or interest of the applicant in the house in respect of which the licence is desired.
3. A statement of the number of patients proposed to be admitted to the house and to each room or apartment of the house.
4. A description of the situation of the house.
5. A plan of the house on a scale of not less than one-eighth of an inch to the foot showing the intended use of each room.
6. A statement of the sanitary arrangements, ventilation, heating and water supply of the house.
7. A full description of the fire escapes of the house and the facilities provided for use in case of fire.
8. A statement as to the classes of patients proposed to be admitted.
9. A statement as to the proposed charges to be made for each class of patients to be admitted.
10. If it is proposed to offer services in surgery, gynaecology or obstetrics, a statement as to the type of surgery, gynaecology or obstetrics to be performed and as to the facilities and equipment to be provided in the house for these purposes.

11. The number of staff and the qualifications of each member of the staff of the proposed hospital. R.S.O. 1960, c. 305, s. 6 (1); 1962-63, c. 107, s. 3.
- Verification and fee (2) Every such application shall be verified by the statutory declaration of the applicant and shall be accompanied by a fee of \$20. R.S.O. 1960, c. 305, s. 6 (2).
- Licence, renewal **7.**—(1) Every licence is renewable annually in accordance with the regulations.
- Fee (2) The fee for renewal of a licence is \$10.
- Power to refuse renewal (3) The Commission may refuse the licence of any private hospital if it was operated in a manner that contravened any provision of this Act or the regulations.
- Refusal to renew licence (4) Where the licensee is a corporation, the Commission may refuse to renew its licence if the Commission is not satisfied as to the character of each director and officer of the corporation and as to his fitness to direct, manage or be associated with the operation of the private hospital. R.S.O. 1960, c. 305, s. 7 (1-4).
- Change of class of hospital on renewal of licence (5) When a licence is renewed, the Commission shall determine the class of hospital that may be operated and may change the class from that for which the hospital was licensed in the preceding year. 1962-63, c. 107, s. 4.
- Offence (6) Where the renewal of a licence has been refused or where a licence has been revoked, the licence shall not be displayed in a manner that may induce a person to believe that it is still in force, and every person who so displays a licence is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500. R.S.O. 1960, c. 305, s. 7 (5).
- Death of one of joint licensees **8.** Where a licence has been issued to two or more persons jointly and any of such persons dies leaving the other or others surviving during the currency of the licence, the licence remains in force and has the same effect as if it had been issued to the survivor or survivors. R.S.O. 1960, c. 305, s. 8.
- Transfer of licence **9.** A licence under this Act is transferable only where the proposed transferee complies with sections 5 and 6. 1962-63, c. 107, s. 5, *part*.
- Transfer of corporation shares **10.**—(1) Where the licensee of a private hospital is a corporation with share capital, no share thereof shall be transferred without the prior approval of the Commission.
- Appeal (2) Where an application for the approval of the Commission to the transfer of shares under subsection 1 is refused, the

applicant may appeal from the decision to a judge of the Supreme Court at any time within thirty days from his receipt of notice of the refusal, and the judge may, upon the hearing of the appeal, make such order as to the transfer of the shares or confirming the Commission's decision and as to costs as he considers just.

(3) The appeal may be by motion, notice of which shall be served upon the Commission, and shall be founded upon a copy of the application, a copy of any proceedings before the Commission, a copy of the decision of the Commission and upon any other material the judge considers relevant. 1962-63, c. 107, s. 5, *part*. Procedure

11.—(1) When a licensee or the sole surviving licensee dies, Death of licensee

- (a) the person to whom the private hospital passes may apply to have the licence transferred to him by complying with sections 5 and 6; or
- (b) the personal representative of the deceased licensee may apply to the Commission for a temporary licence to permit the private hospital to continue in operation under the management of the personal representative for such period of time as in the opinion of the Commission is sufficient to allow the personal representative to dispose of the private hospital and to allow other accommodation to be provided for the patients in the hospital.

(2) Unless an application is made under subsection 1 within three months after the death of the licensee or of the sole surviving licensee, the licence is revoked. 1962-63, c. 107, s. 5, *part*. Time limit

12.—(1) A licence may at any time be revoked by the Commission, Revocation of licence

- (a) if the licensee has made default for two months in paying the annual licence fee;
- (b) if the licensee or superintendent has been convicted of an offence against this Act or of any offence punishable by imprisonment; or
- (c) if, in the opinion of the Commission,
 - (i) the premises of the private hospital are unclean, unsanitary or without proper fire protection,
 - (ii) the standard of patient care provided in the private hospital is inadequate,
 - (iii) the private hospital is managed or conducted in a manner contrary to this Act or the regulations, or
 - (iv) the private hospital is managed or conducted in such a manner that the revocation of the licence is

required in the public interest. R.S.O. 1960, c. 305, s. 11 (1); 1962-63, c. 107, s. 6.

Notice to
licensee

(2) Before a licence is revoked, the Commission shall give notice to the licensee or superintendent of the ground or grounds on which it is proposed to revoke the licence and shall afford to him an opportunity of showing cause why the licence should not be revoked. R.S.O. 1960, c. 305, s. 11 (2).

Powers of
private
hospitals

13. Every private hospital has power to carry on its undertaking as is authorized by any general or special Act under which it was created, established, incorporated or empowered so to do, but, where the provisions of any general or special Act conflict with the provisions of this Act or the regulations, the provisions of this Act and the regulations prevail. R.S.O. 1960, c. 305, s. 12.

Fiscal year

14. The fiscal year of every private hospital shall commence on the 1st day of January of a year and end on the 31st day of December of the same year. R.S.O. 1960, c. 305, s. 13.

Resident
superin-
tendent

15.—(1) Every private hospital shall have at all times a superintendent who may be the licensee himself, if qualified under this section, and shall be either a legally qualified medical practitioner, a registered nurse, or a person whose qualifications are acceptable to the Commission.

Com-
mission's
approval

(2) No person other than a licensee shall be appointed as the superintendent of a private hospital until his name and qualifications have been furnished to the Commission and the Commission has approved of the appointment.

Acting
superin-
tendent

(3) During the temporary absence, illness or incapacity of the superintendent, the licensee may, without giving notice to the Commission, appoint as acting superintendent any other person qualified in accordance with this section, and every person so appointed shall, while he so acts, be deemed for the purpose of this Act to be the superintendent, but he shall not so act, whether under the same or successive appointments, for a longer continuous period than four weeks.

Offence

(4) Where at any time a private hospital is used as such while it has no duly qualified superintendent, the licensee is guilty of an offence and on summary conviction is liable to a fine of not more than \$25 for every day during which it is so used. R.S.O. 1960, c. 305, s. 14.

Interns
R.S.O. 1970,
c. 268

16. No person shall be employed as an intern in a private hospital unless he is registered under *The Medical Act*. 1965, c. 101, s. 2.

17.—(1) The licensee of every private hospital shall keep or cause to be kept a register of patients in which shall be entered, Register of patients

- (a) the name, age, sex and usual place of residence of each patient, and the date of his admission to the hospital;
- (b) each patient's diagnosis;
- (c) the name of the medical practitioner, if any, attending each patient;
- (d) the date on which each patient leaves the hospital and, if transferred to another hospital, the name of the other hospital or, in the event of the death of a patient in the hospital, the date of his death; and
- (e) such other particulars as are prescribed by the Commission.

(2) The particulars required by subsection 1 shall be entered in the register as soon as practicable after the occurrence of the act or event to which the entry relates. Entry of particulars

(3) Every person who knowingly makes an untrue entry in a register of patients is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. Offence

(4) Every licensee who fails to make or causes to be made any entry in the register required by subsection 1 to be made therein is guilty of an offence and on summary conviction is liable to a fine of not more than \$50. Idem
R.S.O. 1960, c. 305, s. 15.

18.—(1) No structural alteration of or addition to any private hospital shall be made until a plan of the proposed alteration or addition has been submitted to and approved by the Commission. Structural alterations

(2) Where any alteration or addition is made in contravention of subsection 1, the licensee is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. Offence
R.S.O. 1960, c. 305, s. 16.

19.—(1) The Minister, on the recommendation of the Commission, may designate one or more officers of the Commission or of the Department to be inspectors for the purposes of this Act and the regulations. Inspectors

(2) Every private hospital and its registers and records shall at all times be open to inspection by an inspector. Inspection

(3) Where an inspector believes or suspects that any house is used as a private hospital without being licensed, he may at any time and from time to time by himself enter and inspect such house and every part thereof, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or Inspector may enter unlicensed premises

inspection is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1960, c. 305, s. 17.

Use of
licensed
hospitals

20.—(1) A private hospital shall not be used for any purpose other than the purposes in respect of which the licence is issued and purposes incidental thereto.

Offence

(2) Where a private hospital is used in any manner contrary to subsection 1, the licensee and the superintendent are severally guilty of an offence and on summary conviction are each liable to a fine of not more than \$25 for every day during which it is so used. R.S.O. 1960, c. 305, s. 18.

Reception
of more than
authorized
number of
patients

21. Where a private hospital is used at any time for the treatment of a greater number of patients than is permitted by the licence, except in the case of emergency, or where a patient of a class not permitted by the licence is admitted, the licensee and the superintendent are severally guilty of an offence and on summary conviction are each liable to a fine of not more than \$25 for every day during which it is so used or the patient is so admitted. R.S.O. 1960, c. 305, s. 19.

General
offence

22. Every person who contravenes any provision of this Act or the regulations, where a penalty is not otherwise provided, is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500. R.S.O. 1960, c. 305, s. 20.

Burden of
proof in
prosecutions

23.—(1) In a prosecution for an offence under this Act, the burden of proving that a person residing in a house and there receiving medical treatment is not a patient within the meaning of this Act is upon the person charged.

Idem

(2) In a prosecution for an offence under this Act, the burden of proving that a licence is in force and its terms and that a person apparently having the charge, control or management of a private hospital is not the superintendent thereof within the meaning of this Act is upon the person charged. R.S.O. 1960, c. 305, s. 21.

Municipal
agreements
as to
indigents

24. Any municipality, with the approval of the Commission, may enter into an annual agreement with the licensee of a private hospital respecting the admission to and treatment in the private hospital of indigent persons and dependants of indigent persons who are resident in such municipality, and in such case the liability of the municipality to the private hospital shall be determined according to such agreement, and the Commission may terminate any such agreement at any time by thirty days notice in writing to the parties thereto. R.S.O. 1960, c. 305, s. 22; 1967, c. 77, s. 2.

25.—(1) Upon the payment by a municipality of any account rendered to it by a private hospital for the treatment of a patient under the terms of an agreement entered into under section 24, such municipality may recover from the patient or, in the event of his death, from his estate or, in the case of a dependant, from any person liable in law for such dependant the amount of the payment so made, and such amount may be recovered as a debt in any court of competent jurisdiction.

Municipal
right of
recourse
against
patient

(2) The right of a municipality under subsection 1 to recover any payment made by it to a private hospital commences the day after the patient is discharged from the hospital or dies in the hospital and does not include the right while the patient is in hospital to take any part of the pension received by the patient under the *Old Age Security Act* (Canada) or received under that Act by the person whose dependant the patient is.

Idem

R.S.C. 1952,
c. 200

(3) The right of a municipality under subsection 1 to recover any payment made by it to a private hospital ceases one year after the discharge of the patient from the hospital or his death in the hospital. 1967, c. 77, s. 3, *part*.

Limitation

26.—(1) Where a patient in a private hospital is an indigent person or a dependant of an indigent person and has resided in territory without municipal organization for a period of three months within the period of six months next prior to his admission to the private hospital, the Department, on certification by the regional welfare administrator, shall pay the private hospital at the rate of \$6.50 for each day the patient receives treatment in the hospital.

Indigents
from
unorganized
territory

(2) Where a private hospital receives payment under subsection 1 for an indigent person, the Commission shall pay to the private hospital an amount in respect of insured services received by the indigent person equal to the difference between the amount paid by the Department and the *per diem* rate established for the hospital by the Commission. 1962-63, c. 107, s. 7; 1967, c. 77, s. 3, *part*.

Idem

27.—(1) Where a patient in a private hospital is an indigent person or a dependant of an indigent person and is declared by the attending physician not to require continued medical and skilled nursing care in a private hospital but requires only custodial care, the municipality in which such person was resident at the time of admission is liable to the private hospital for payment of the *per diem* contract rate, established for that private hospital by the Commission, from the twenty-first day after the day on which notice that the patient is declared to require only custodial care has been sent by the superintendent of the private hospital by registered mail to the clerk of the municipality until such patient leaves the private hospital.

Custodial
care

Payment of
per diem
contract
rate

(2) A municipality that is liable to a private hospital for the payment of the *per diem* contract rate under subsection 1 shall make such payment to the private hospital at least quarterly.

Idem

(3) Where the person referred to in subsection 1 was a resident of territory without municipal organization, the Province of Ontario shall pay the *per diem* contract rate in accordance with subsection 1.

Interpre-
tation

(4) For the purposes of this section, "indigent person" means a person who is receiving assistance from a municipality or is declared eligible by the Department of Social and Family Services to receive such assistance, or who has no place of abode to which he may go from the private hospital. 1968, c. 100, s. 1, *part*.

Who to be
deemed
occupier
for certain
purposes
R.S.O. 1970,
c. 377

28.—(1) The superintendent of a private hospital shall be deemed to be the occupier of the house for the purpose of giving notice under *The Public Health Act* of any patient found or suspected to be suffering from any communicable disease.

Idem

R.S.O. 1970,
c. 483

(2) The superintendent of a private hospital shall be deemed to be the occupier thereof for the purpose of giving notice or information under *The Vital Statistics Act* of the death of any person or of the birth of any child in the hospital. R.S.O. 1960, c. 305, s. 23.

Regulations

29.—(1) The Lieutenant Governor in Council may make such regulations with respect to private hospitals as are considered necessary for,

- (a) their construction, establishment, licensing, alteration, safety, equipment, maintenance and repair;
- (b) their classifications, grades and standards;
- (c) their inspection, control, government, management, conduct, operation and use;
- (d) their superintendents, staffs, officers, servants and employees and the powers and duties thereof;
- (e) prescribing the powers and duties of inspectors;
- (f) prescribing or restricting the type and amount of surgery, gynaecology or obstetrics that may be performed in any class of private hospital and the facilities and equipment that shall be provided for such purposes;
- (g) the admission, treatment, care, conduct, discipline and discharge of patients, and for prohibiting the admission of any class of patients;
- (h) the classification of patients and the rates and charges for patients;

- (i) the records, books, accounting systems, audits, reports and returns to be made and kept;
- (j) the establishment and operation of periodic medical audits of the work performed in private hospitals;
- (k) prescribing the matters upon which by-laws must be passed by corporations that operate private hospitals;
- (l) the reports and returns to be submitted to the Commission by private hospitals;
- (m) defining words and terms used in this Act and the regulations for the purposes of this Act and the regulations;
- (n) all matters affecting private hospitals. R.S.O. 1960, c. 305, s. 24 (1); 1968, c. 101, s. 2.

(2) On the recommendation of the Commission, the Minister ^{Idem} may from time to time declare all or any of the regulations to be in force with respect to all private hospitals or any one or more private hospitals or classes thereof and for such time or times as the Minister considers expedient. R.S.O. 1960, c. 305, s. 24 (2).

CHAPTER 362

**The Private Investigators and Security
Guards Act****1. In this Act,**Interpre-
tation

- (a) “Commissioner” means the Commissioner of the Ontario Provincial Police Force;
- (b) “licence” means a licence under this Act;
- (c) “licensee” means the holder of a licence under this Act;
- (d) “private investigator” means a person who investigates and furnishes information for hire or reward, including a person who,
 - (i) searches for and furnishes information as to the personal character or actions of a person, or the character or kind of business or occupation of a person,
 - (ii) searches for offenders against the law, or
 - (iii) searches for missing persons or property;
- (e) “Registrar” means the Registrar of Private Investigators and Security Guards;
- (f) “regulations” means the regulations made under this Act;
- (g) “security guard” means a person who, for hire or reward, guards or patrols for the purpose of protecting persons or property. 1965, c. 102, s. 1.

2. This Act does not apply to,Application
of Act

- (a) barristers or solicitors in the practice of their profession or their employees;
- (b) persons who search for and furnish information,
 - (i) as to the financial credit rating of persons,
 - (ii) to employers as to the qualifications and suitability of their employees or prospective employees, or
 - (iii) as to the qualifications and suitability of applicants for insurance and indemnity bonds,and who do not otherwise act as private investigators;
- (c) members of the Corps of Commissionaires while acting within the objects of its incorporation;
- (d) a person who is acting as a peace officer;

R.S.O. 1970,
c. 224

- (e) insurance adjusters and their employees licensed under *The Insurance Act* while acting in the usual and regular scope of their employment;
- (f) insurance companies and their employees licensed under *The Insurance Act* while acting in the usual and regular scope of their employment;
- (g) private investigators and security guards who are permanently employed by one employer in a business or undertaking other than the business of providing private investigators or security guards and whose work is confined to the affairs of that employer;

R.S.O. 1970,
c. 118

- (h) employees of a municipality as defined in *The Department of Municipal Affairs Act* while acting within the scope of their employment;
- (i) persons residing outside Ontario who are *bona fide* employees of private investigation or security guard agencies licensed or registered in a jurisdiction outside Ontario who,
 - (i) on behalf of an employer or client who resides outside Ontario, make an investigation or inquiry partly outside Ontario and partly within Ontario, and
 - (ii) come into Ontario solely for the purpose of such investigation or inquiry; and
- (j) any class of persons exempted by the regulations. 1965, c. 102, s. 2.

Registrar

3.—(1) There shall be a Registrar of Private Investigators and Security Guards appointed by the Lieutenant Governor in Council who may exercise the powers and shall discharge the duties vested in or imposed upon him by this Act or the regulations, under the direction of the Commissioner.

Deputy
Registrars

(2) The Lieutenant Governor in Council may appoint a Deputy Registrar of Private Investigators and Security Guards who shall act as Registrar during the absence of the Registrar or his inability to act. 1968, c. 101, s. 1.

Licences

4.—(1) No person shall,

- (a) engage in the business of providing private investigators or security guards;
- (b) operate a branch office or place at which the public is invited to deal in the conduct of the business of providing private investigators or security guards; or
- (c) act as a private investigator or security guard,

unless he is the holder of a licence therefor.

(2) No person shall hold himself out as acting as a private investigator or a security guard or as being engaged in the business of providing private investigators or security guards unless he is licensed under this Act. 1965, c. 102, s. 4.

Holding
out

5.—(1) Every applicant for a licence to engage in the business of providing private investigators or security guards shall apply to the Registrar for the licence and the licences for each branch office and each employee who is a private investigator or security guard, if any, upon the prescribed form which shall be accompanied by the prescribed fees and a bond in the prescribed amount and form.

Application
for licence

(2) The bond shall be,

Type of
bond

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security.

The R.S.O. 1970,
c. 196

(3) The collateral security shall be negotiable securities of the classes prescribed by the regulations, not less in value than the sum secured by the bond, and shall be deposited with the Treasurer of Ontario.

Collateral
security

(4) No person engaged in the business of providing private investigators or security guards shall employ as a private investigator or security guard a person who is not the holder of a licence. 1965, c. 102, s. 5.

Employer
to ensure
employees
licensed

6.—(1) Every applicant for a licence shall state in the application an address for service in Ontario, and all notices under this Act or the regulations are sufficiently given or served for all purposes if sent by registered mail or delivered to the latest address for service so stated.

Address for
service

(2) Every person licensed to engage in the business of providing private investigators or security guards shall within five days notify the Registrar in writing of,

Notice of
changes in
business

- (a) any change in his address for service or in the address of any place at which he carries on business or at which he invites the public to deal;
- (b) any change in the officers or members in the case of an association of individuals, partnership or corporation; and
- (c) any termination of employment of a private investigator or security guard. 1965, c. 102, s. 6.

Investigation of applicant

7.—(1) The Registrar or any person authorized by him may make such inquiry and investigation as he considers sufficient regarding the character, financial position and competence of an applicant or licensee and may require an applicant to try such examinations to determine competence as the Registrar considers necessary.

Further information

(2) The Registrar may require further information or material to be submitted by an applicant or a licensee and may require verification by affidavit or otherwise of any information or material then or previously submitted. 1965, c. 102, s. 7.

Issuance of licence

8.—(1) The Registrar shall issue a licence or renewal of a licence where in the opinion of the Registrar the proposed licensing is not against the public interest, and the licence may be subject to terms and conditions.

Hearings

(2) The Registrar shall not refuse to grant or refuse to renew a licence without giving the applicant an opportunity to be heard. 1965, c. 102, s. 8.

Temporary licence

9.—(1) Where a person applies for a licence to act as a private investigator or security guard, the Registrar may, pending his decision, issue a temporary licence to so act for a period stated in the licence but not exceeding three months.

Idem

(2) Where a person who is licensed to engage in the business of providing private investigators or security guards dies, the Registrar may grant to his executor or administrator a temporary licence, and all licensed employees of a deceased licensee at the time of his death shall be deemed to be licensed as employees of such executor or administrator.

Termination of temporary licences

(3) Every temporary licence terminates in accordance with the regulations. 1965, c. 102, s. 9.

Transfers

10. A licence is not transferable. 1965, c. 102, s. 10.

Expiry of licences

11.—(1) Every licence and renewal of licence, other than a temporary licence, expires on the 31st day of March in each year.

Renewals

(2) Every applicant for renewal of a licence to engage in the business of providing private investigators or security guards shall, on or before the 1st day of March in each year, apply to the Registrar for the renewal of the licence and the renewal of the licences for each branch office and each employee who is a private investigator or security guard, if any, upon the prescribed form which shall be accompanied by the prescribed fees. 1965, c. 102, s. 11.

Displaying licence

12. Immediately upon the receipt of a licence to engage in the business of providing private investigators or security guards, the

licensee shall cause it to be displayed in a conspicuous place in the office or branch office of the business for which it is issued. 1965, c. 102, s. 12.

13.—(1) The licence of a private investigator or security guard is cancelled upon the termination of the employment in respect of which it was issued.

Cancellation of licence on termination of employment

(2) When a licensed private investigator or security guard ceases to be employed as such, he shall give his licence and identification card immediately to his employer who shall forward them to the Registrar.

Idem

(3) Every person who is licensed to engage in the business of providing private investigators or security guards shall immediately upon the termination of such business forward to the Registrar his licence and identification card together with the licences and identification cards of his employees. 1965, c. 102, s. 13.

Surrender of licences and identification cards

14. The Registrar may, after giving the licensee an opportunity to be heard, suspend or cancel a licence where,

Suspension and cancellation

- (a) the licensee is convicted of an offence under the *Criminal Code* (Canada) or under this Act or the regulations;
- (b) the licensee is in breach of a term or condition of the licence; or
- (c) in the opinion of the Registrar, to do so is in the public interest. 1965, c. 102, s. 14.

1953-54, c. 51 (Can.)

15. Where the Registrar refuses to grant a licence or renewal of a licence, or suspends or cancels a licence, he shall, upon the request of the person whose licence or right to a licence is affected, give written reasons for his decision. 1965, c. 102, s. 15.

Reasons

16. A further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed. 1965, c. 102, s. 16.

Further application

17.—(1) Where the Registrar receives a complaint in respect of the carrying on of the business of providing private investigators or security guards and so requests in writing, the person carrying on the business shall furnish the Registrar with such information respecting the matter complained of as the Registrar may require.

Complaints

(2) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any time make an inspection of the books, documents and records of any licensee.

Inspection of records

(3) Upon an inspection under subsection 2, the person inspecting is entitled to free access to all books of account, cash,

Access

documents, bank accounts, vouchers, correspondence and records of every description of the licensee, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection. 1965, c. 102, s. 17.

Information
confiden-
tial

18. Any information received by the Registrar or the Commissioner in connection with an application or a record or return required under this Act or in the course of an inquiry or investigation authorized by this Act shall not be disclosed without the consent of the Commissioner. 1965, c. 102, s. 18.

Notice of
direction,
decision,
etc.

19.—(1) The Registrar shall serve upon any person, who in the opinion of the Registrar is affected thereby, a notice of every direction, decision, order or ruling of the Registrar.

Service

(2) Where a service under subsection 1 is made upon a person who is not a licensee, the service may be made by sending the notice by registered mail to the last-known address of the person to be served. 1965, c. 102, s. 19.

Review

20.—(1) Any person whose licence or right to a licence is affected by a decision of the Registrar may, by notice in writing served upon the Registrar within thirty days after the delivery of the notice under section 19, request a hearing and review of the matter by the Commissioner.

Notice of
hearing

(2) Where a hearing and review are requested, the Commissioner shall serve notice upon the person who requested the review notifying him of the time and place of the hearing which shall be within thirty days of the serving of the notice under subsection 1, except with the consent of the person who requested the review.

Evidence

(3) Upon a review, the Commissioner shall hear such evidence as is submitted to him that in his opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by him, forms the record.

Evidence
on review

(4) Upon a review, the Commissioner may,

- (a) administer oaths to witnesses and require them to give evidence under oath; and
- (b) require to have issued out of the Supreme Court a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum* which the court shall issue, but no person shall be compelled under any such writ to produce any document that he would not be compellable to produce on the trial of an action.

Decision
of Com-
missioner

(5) Upon a review, the Commissioner may by his order direct the Registrar to make such decision as the Registrar is authorized

to make under this Act and as the Commissioner considers proper and for this purpose the Commissioner may substitute his opinion for that of the Registrar.

(6) Notice of the decision of the Commissioner made upon a review shall be served forthwith upon the person who requested the review. Notice of decision and reasons

(7) Upon the request of the person who requested a review, the Commissioner shall give written reasons for his decision made upon the review. 1965, c. 102, s. 20. Reasons

21.—(1) Where the Commissioner has reviewed a decision and given his decision upon the review, the person who requested the review may appeal from the decision to a justice of appeal of the Court of Appeal. Appeal

(2) Every appeal shall be by notice of motion served upon the Commissioner within thirty days after the delivery of the notice of decision under subsection 6 of section 20, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action. Form of appeal

(3) The Commissioner shall certify to the Registrar of the Supreme Court, Material on appeal

- (a) the decision that has been reviewed by him;
- (b) his decision upon the review, together with his reasons therefor;
- (c) the record of the review; and
- (d) all written submissions to him and other material received by him in connection with the review.

(4) The Minister of Justice and Attorney General may designate counsel to assist the judge upon the hearing of an appeal under this section. Counsel

(5) Upon an appeal, the judge may by his order direct the Registrar to make such decision as the Registrar is authorized to make under this Act and as the judge considers proper, and for this purpose the judge may substitute his opinion for that of the Registrar and the Commissioner. Decision of judge

(6) The order of the judge is final, but a further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed. 1965, c. 102, s. 21. Appeal final

22. Every person whose licence or right to a licence may be affected by a hearing under this Act is entitled to be represented by counsel at the hearing. 1965, c. 102, s. 22. Right to counsel

Use of
expression
"private
detective"
prohibited

23.—(1) No person engaged in any business or employment, whether licensed under this Act or otherwise, shall use the expression "private detective" in connection with such business or employment or hold himself out in any manner as a private detective.

Name of
business

(2) No person shall engage in the business of providing private investigators or security guards in a name other than that in which he is licensed. 1965, c. 102, s. 23.

Information
to be con-
fidential

24. No person shall divulge to anyone, except as is legally authorized or required, any information acquired by him as a private investigator. 1965, c. 102, s. 24.

Means of
identifi-
cation

25.—(1) No person acting as a private investigator shall have in his possession or display any badge, shield, card or other identification or evidence of authority except,

- (a) the prescribed identification card issued under this Act; and
- (b) a business card containing no reference to licensing under this Act.

Identifica-
tion card
to be
carried

(2) Every private investigator shall, while investigating, carry on his person the prescribed identification card issued to him under this Act and shall produce it for inspection at the request of any person.

Use of
uniform

(3) No private investigator who is also licensed as a security guard shall act as a private investigator while in uniform. 1965, c. 102, s. 25.

Age
limit

26. No person shall act as a private investigator unless he is twenty-one years of age or over and no person shall act as a security guard unless he is eighteen years of age or over. 1965, c. 102, s. 26.

Uniforms

27. Every security guard shall wear a uniform while acting as a security guard. 1965, c. 102, s. 27.

Identifica-
tion card

28.—(1) Every security guard while on duty shall carry on his person the prescribed identification card issued to him under this Act and shall produce it for inspection at the request of any person.

Evidence of
authority

(2) No security guard while on duty shall have in his possession or display any evidence of authority except his uniform and the prescribed identification card issued under this Act. 1965, c. 102, s. 28.

29. No licensee shall act as a collector of accounts or bailiff, or undertake, or hold himself out, or advertise as undertaking, to collect accounts or act as a bailiff for any person either with or without remuneration. 1965, c. 102, s. 29.

Licensees
not to be
collectors
or bailiffs

30. No licensee shall hold himself out in any manner as performing or providing services or duties connected with police. 1965, c. 102, s. 30.

Holding
out as
police

31. Where, in the opinion of the Registrar, any person licensed under this Act is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material. 1965, c. 102, s. 31.

Advertising

32.—(1) Every person who,

Offences

(a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(b) fails to comply with any order, direction or other requirement made under this Act or the regulations; or

(c) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed is \$25,000 and not as provided therein.

Corpora-
tions

(3) No proceedings under this section shall be instituted except with the consent of the Minister of Justice and Attorney General.

Consent of
Attorney
General

(4) No proceedings under this section shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commissioner. 1965, c. 102, s. 32.

Limitation

33. A statement as to,

Certificate
as evidence

(a) the licensing or non-licensing of any person;

(b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

(c) the time when the facts upon which proceedings are based first came to the knowledge of the Commissioner; or

- (d) any other matter pertaining to such licensing, non-licensing, filing or non-filing or to any such person, document or material,

purporting to be certified by the Commissioner is, without proof of the office or signature of the Commissioner, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1965, c. 102, s. 33.

Regulations

34. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the classes of persons who shall be exempt from this Act or from any provision thereof, in addition to those classes of persons mentioned in section 2;
 - (b) prescribing forms and providing for their use;
 - (c) requiring the payment of fees in connection with the issuance or renewal of licences and prescribing the amounts thereof;
 - (d) governing the procedure for the issuance of licences and renewals and prescribing the terms and conditions thereof;
 - (e) prescribing the amount and form of bonds to be furnished under this Act, the classes of securities that are acceptable as collateral security, the conditions of forfeiture of bonds, the conditions upon which bonds may be cancelled, the period that bonds shall subsist, and respecting all matters subsequent to forfeiture;
 - (f) prescribing the form and contents of identification cards for licensees and providing for the issuance thereof;
 - (g) requiring the keeping of such books and records and the furnishing of such information and returns by licensees as are prescribed;
 - (h) governing the uniforms, badges and insignia that shall be worn by security guards;
 - (i) governing contracts entered into by persons engaged in the business of providing private investigators or security guards with persons who engage their services;
 - (j) governing the method of terminating the business of providing private investigators or security guards;
 - (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1965, c. 102, s. 34.
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CHAPTER 363

The Private Sanitaria Act

1. In this Act,

Interpre-
tation

- (a) “board” means the board of visitors;
- (b) “habitué” means an alcoholic or drug habitué;
- (c) “intoxicating liquor” has the same meaning as “liquor” in *The Liquor Control Act*;
- (d) “medical practitioner” means a legally qualified medical practitioner;
- (e) “Minister” means the member of the Executive Council charged for the time being with the administration of this Act;
- (f) “proprietor” means a person or corporation to whom a licence is granted under this Act, or a person or corporation keeping, owning or having any interest or exercising any duties or powers of a proprietor in a sanitarium;
- (g) “sanitarium” means an institution for the care and treatment of mental and nervous illnesses that is licensed under this Act. R.S.O. 1960, c. 307, s. 1, *amended*.

R.S.O. 1970,
c. 249

2.—(1) When the proprietor of a sanitarium desires to obtain a licence for it under this Act, he shall give notice thereof to the Minister.

Notice of
application
for licence

(2) The notice shall contain the full name, place of residence and occupation of the proprietor, unless the proprietor is a corporation, when the name and chief place of business of the corporation shall be given, and a true and full description of the proprietor’s estate or interest in the premises sought to be licensed, and, if the proprietor does not propose to reside himself in the licensed premises, the notice shall contain the full name, place of residence and occupation of the superintendent who is to reside therein.

Contents of
notice

(3) The notice shall be accompanied by a plan of the premises, drawn upon a scale of not less than one-eighth of an inch to a foot, with a statement showing,

Plan of the
house, etc.

- (a) the situation thereof;

- (b) the length, breadth and height of, and a reference by a figure or letter to, every room and apartment therein;
- (c) the quantity of land not covered by any building and appropriated to the exclusive use, exercise and recreation of the patients proposed to be received;
- (d) the number of patients proposed to be received into the institution, and whether the licence applied for is for the reception of male or female patients, or of both, and, if for the reception of both, the number of each sex proposed to be received and the means by which the one sex will be kept separate and apart from the other;
- (e) the sanitary arrangements, ventilation, heating and water supply, and the fire escapes and the facilities provided for use in case of fire and the means for preventing fires. R.S.O. 1960, c. 307, s. 2 (1-3).

Licence to
proprietors

(4) The Lieutenant Governor in Council may issue a licence to the proprietor to keep and maintain the same for the purposes of a sanitarium and such licence continues in force until revoked by the Lieutenant Governor in Council. R.S.O. 1960, c. 307, s. 2 (6), *amended*.

Conditions,
etc., of
licence

(5) Any such licence may be issued subject to such conditions, qualifications or restrictions as the Lieutenant Governor in Council considers advisable.

Further
restrictions
on licensee

(6) Without limiting the generality of subsection 5, any such licence may be issued subject to restrictions respecting the class or sex of patients who may be admitted and the type of treatment that may be given to patients.

Security by
licensee

(7) No such licence shall be issued unless the proprietor gives security to Her Majesty in the sum of \$1,000 under the usual conditions for his good behaviour during the time the licence continues in force. R.S.O. 1960, c. 307, s. 2 (7-9).

Board of
visitors

3.—(1) Every sanitarium shall be under the supervision and inspection of a board of visitors composed of the judge or, in the case of his absence or disqualification, a junior judge of the county or district court, the clerk of the peace and the sheriff of the county or district in which the sanitarium is situate, together with two medical practitioners appointed by the Lieutenant Governor in Council who shall hold office for three years unless sooner removed by him.

Chairman
and secretary

(2) The judge is the chairman and the clerk of the peace is the secretary of the board.

Allowance
to members

(3) The members of the board shall be paid by the proprietor such allowance for their services as the Lieutenant Governor in Council may direct.

(4) No member of the board shall be pecuniarily interested in any sanitarium, either directly or indirectly, and any member who after his appointment becomes interested in any sanitarium either as proprietor or part owner, or by the sale of merchandise to such a sanitarium or in any other way, thereupon becomes disqualified from acting and shall not thereafter act in such capacity.

Visitors not to have a pecuniary interest in any sanitarium

(5) If a member of the board is or becomes so disqualified, the Lieutenant Governor in Council may appoint some one to act in his stead.

Appointment in case of disqualification

(6) Every member of the board shall, before acting, take and subscribe the following oath:

Oath of visitors

“I, A.B., do swear that I will discreetly, impartially and faithfully execute all the trusts and powers committed to me by virtue of *The Private Sanitaria Act*, and that I will keep secret all such matters as come to my knowledge in the execution of my office, except when required to divulge the same by legal authority, or so far as I feel myself called upon to do so for the better execution of the duty imposed upon me by the said Act. So help me God.”

(7) The oath shall be filed in the office of the clerk of the peace.

Oath to be filed

(8) The secretary shall summon the board to meet for the purpose of executing its duties under this Act.

Meeting of board

(9) Every such summons and meeting shall be made and held as privately as possible and in such manner that no proprietor, superintendent or person interested in or employed about or connected with the sanitarium to be visited shall know of the intended visitation.

Meetings to be private

(10) If the secretary at any time desires to employ an assistant in the execution of his duties, he shall certify such desire and the name of the proposed assistant to the chairman of the board, and, if such assistant is approved of, the chairman shall administer the following oath to such assistant:

Assistant secretary

“I, A.B., do swear that I will faithfully keep secret all such matters and things as come to my knowledge in consequence of my employment as assistant to the secretary of the Board of Visitors, appointed for the county or district of . . . by virtue of *The Private Sanitaria Act*, unless required to divulge the same by legal authority. So help me God.”

(11) The secretary may thereafter, at his own cost, employ such assistant. R.S.O. 1960, c. 307, s. 3.

At whose cost

4.—(1) No medical practitioner who is a member of the board shall sign a certificate for the admission of a patient into a sanitarium or shall professionally attend upon a patient therein unless he is directed to visit the patient by the person upon whose order the patient was received into the sanitarium, or by the Minister or by one of the judges of the Supreme Court, or by some person appointed by one of such judges for that purpose.

Restrictions upon physicians who are visitors

- Offence (2) For every contravention of subsection 1, the medical practitioner is guilty of an offence and, on summary conviction, is liable to a fine of \$200. R.S.O. 1960, c. 307, s. 4.
- Removal of superintendent **5.** A proprietor may remove the superintendent named in the notice, and may at any time appoint another superintendent upon giving to the board a notice containing the full name, place of residence and occupation of the new superintendent. R.S.O. 1960, c. 307, s. 5.
- Fee **6.**—(1) For every licence there shall be paid to the clerk of the peace for the county or district in which the sanitarium is located, for every patient proposed to be received therein, the sum of \$5, and, if the total amount so payable does not amount to \$200, so much more as together therewith will make up the sum of \$200, and no such licence shall be delivered until the sum payable therefor has been paid.
- Application of fees (2) All moneys received for licences under this Act shall be applied towards the payment of the allowance to the secretary for his services and the discharge of the costs, charges and expenses incurred by or under the authority of the board in the execution of or by virtue of this Act. R.S.O. 1960, c. 307, s. 6.
- Clerk of the peace to keep account of moneys **7.** The clerk of the peace shall keep an account of all money received and paid by him under this Act, and such accounts shall be made up to the last day of December in each year inclusively, and shall be signed by at least two of the members of the board and forwarded to the Minister. R.S.O. 1960, c. 307, s. 7.
- To what premises licence may extend **8.** No one licence shall include or extend to more than one sanitarium, but if there is any place or building detached from the sanitarium, but not separated from it by ground belonging to any other person, and if such place or building is specified, delineated and described in the prescribed notice, plan and statement in the same manner in all particulars as if it had formed part of the sanitarium, then such detached place or building, if the Lieutenant Governor in Council thinks fit, may be included in the licence for the sanitarium, and if so included shall be considered part of the sanitarium for the purposes of this Act. R.S.O. 1960, c. 307, s. 8.
- Alterations in sanitarium **9.** No addition or alteration shall be made to, in or about a sanitarium or its appurtenances unless the approval of the Lieutenant Governor in Council has been previously obtained. R.S.O. 1960, c. 307, s. 9, *amended*.
- When licence transferable **10.** If a proprietor becomes incapable of keeping the sanitarium or dies before the expiration of the licence, the Lieutenant Governor in Council may authorize the transfer of the licence, for

the term then unexpired, to the person who at the time of such incapacity or death was the superintendent of the sanitarium or had the care of the patients therein, or to such other person as the Lieutenant Governor in Council approves, and in the meantime the licence remains in force and has the same effect as if granted to the superintendent. R.S.O. 1960, c. 307, s. 10.

11. If a licence has been granted to two or more persons and one or more of such persons dies leaving the other or others surviving, the licence remains in force and has the same effect as if granted to the survivor or survivors. R.S.O. 1960, c. 307, s. 11. Survivorship

12.—(1) If a sanitarium is razed or becomes unfit for the accommodation of patients, or if the proprietor desires to transfer the patients to another building, the Lieutenant Governor in Council may grant him a licence to keep such other building for the reception of patients for such time as the Lieutenant Governor in Council thinks fit, but the like notice of such intended change and the like plans and statements of and as to such other building shall be given as are required when application is first made for a licence for a sanitarium, and shall be accompanied by a statement in writing of the cause of the change. Removal to other premises

(2) A fee of \$25 is payable by the licensee to the clerk of the peace upon the issue of the licence. Fee for licence for transfer

(3) Except where the change is occasioned by fire or tempest, seven clear days previous notice of the intended removal shall be sent by the proprietor to the person who signed the requisition for the reception of each patient or the person by whom the last payment on account of each patient was made. R.S.O. 1960, c. 307, s. 12. Notice of intended removal

13.—(1) The superintendent of a sanitarium may admit to and, subject to section 36, may detain in it any person who is mentally ill or mentally defective upon a requisition in Form 1 and the certificates in Form 2 of two medical practitioners. Admission on requisition and certificates

(2) Every certificate shall state and show clearly that the medical practitioner signing it personally examined the patient separately from any other medical practitioner and, after due inquiry into all the necessary facts relating to the case of the patient, found him to be mentally ill or mentally defective and a proper person to be confined in a sanitarium. Contents of certificate

(3) Each medical practitioner shall also in such certificate state the facts upon which he has formed his opinion of the mental illness or mental deficiency, distinguishing the facts observed by him from the facts communicated to him by others, and every such certificate shall be signed in the presence of one subscribing witness who shall not be a physician issuing a certificate, and shall show the date upon which the examination was made. Idem

Limitation
on admission

(4) No person shall be admitted as a patient under this section except within fifteen days of the examination referred to in any certificate. R.S.O. 1960, c. 307, s. 13.

Persons
resident
outside
Ontario

14. The superintendent of a sanitarium may admit to and, subject to section 36, may detain in it any person resident outside Ontario who is certified to be mentally ill or mentally defective by two medical practitioners of the place outside Ontario in which such person resides, if certificates are made *mutatis mutandis* according to Form 2, but any person so admitted and detained in a sanitarium shall, within fifteen days of admission, be examined by one medical practitioner of Ontario who shall certify according to Form 2. R.S.O. 1960, c. 307, s. 14.

Effect of
requisition
and certifi-
cates

15. The requisition and certificates referred to in section 13 or the certificates referred to in section 14 are sufficient authority,

- (a) to any person to convey the patient to the sanitarium; or
- (b) to the superintendent thereof to receive him and, subject to section 36, to detain him therein as long as he continues to be mentally ill or mentally defective; or
- (c) to the superintendent of any psychiatric facility under *The Mental Health Act* to which the patient may afterwards be transferred to receive such patient in such institution and to detain him therein as long as he continues to be mentally ill or mentally defective. R.S.O. 1960, c. 307, s. 15, *amended*.

R.S.O. 1970,
c. 269

Epileptics

16. The provisions of this Act relating to mentally ill persons apply *mutatis mutandis* to persons who are epileptic. 1961-62, c. 110, s. 1, *part*.

Restrictions
upon un-
licensed
premises

17. Subject to the provisions and exceptions hereinafter contained, no person shall receive to board and lodge in any premises not licensed under this Act or take the charge or care of more than two mentally ill or mentally defective persons at the same time. R.S.O. 1960, c. 307, s. 16.

When phy-
sician not
to certify

18.—(1) No medical practitioner who, or whose father, brother, son or partner, is wholly or partly the proprietor of or a regular professional attendant in a sanitarium shall sign any certificate for the reception therein of a patient, and no medical practitioner who, or whose father, brother, son or partner, signs the prescribed requisition for the reception of a patient shall sign any certificate for the reception of the same patient.

Idem

(2) No medical practitioner whose partner, brother, father or son issues a certificate for the reception of a patient into a sanitarium shall sign a certificate for the reception of the same patient. R.S.O. 1960, c. 307, s. 18.

19.—(1) Any medical practitioner who maliciously or corruptly signs a false certificate for the purpose of procuring the confinement of any person who is not mentally ill or mentally defective in a sanitarium shall, upon judgment being given against him in an action for damages on account of such malicious or corrupt act, *ipso facto* be incapacitated from practising in Ontario for the period of five years thereafter.

Penalty for giving false certificate maliciously

(2) The name of such medical practitioner shall, upon production of a certified copy of the judgment to the registrar of the College of Physicians and Surgeons of Ontario, be removed from the register. R.S.O. 1960, c. 307, s. 19.

Removal from register

20.—(1) The superintendent of a sanitarium may receive and detain therein as a patient any person suitable for care and treatment who voluntarily makes written application in Form 3 accompanied by the certificate in Form 3 of one medical practitioner certifying that the person is suffering from a form of mental illness that requires treatment in a sanitarium, and that he is capable of appreciating the fact that he is to be admitted as a voluntary patient. R.S.O. 1960, c. 307, s. 20 (1).

Admission of voluntary patient

(2) Subsection 1 shall be deemed to have been complied with if the certificate mentioned therein is completed within twelve hours after the admission of the patient to the sanitarium. 1962-63, c. 108, s. 1.

Idem

(3) No person so admitted shall be detained more than three days after he has given notice in writing to the superintendent of his desire to leave the sanitarium.

Discharge

(4) The superintendent shall give immediate notice of the reception of such person to the secretary of the board, stating all the particulars of the case, and one or more members of the board or the secretary shall forthwith visit the patient in order to verify the fact of his having been admitted voluntarily, and all the facts in connection with the case shall be forthwith recorded in the visitors' book by the person making the inquiry. R.S.O. 1960, c. 307, s. 20 (2, 3).

Notice of admission to board

21.—(1) Every proprietor or superintendent who receives a patient into a sanitarium shall, within two days after his reception, make an entry with respect to him in a book to be kept for that purpose, called the "Register of Patients", according to the form and containing the particulars mentioned in Form 4, so far as he can ascertain the same, and, when a patient is discharged or dies, an entry of the fact shall be made in the appropriate column.

Register of patients

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$10. R.S.O. 1960, c. 307, s. 21.

Offence

Record of
mental
disorder

22. The form of the mental disorder, if any, of every patient received into a sanitarium shall, within seven days after his reception, be entered in the clinical record by the medical attendant, and every medical attendant who omits to make such an entry is guilty of an offence and on summary conviction is liable to a fine of not more than \$10. R.S.O. 1960, c. 307, s. 22.

Copy of
order for
visitors

23. The proprietor or superintendent of a sanitarium shall, after two clear days and before the expiration of seven clear days from the day on which a patient has been received into the sanitarium, transmit to the secretary of the board a copy of the requisition and medical certificates or certificate on which the patient was received, and also a notice and statement according to Form 5. R.S.O. 1960, c. 307, s. 23.

Escapes

24.—(1) Where a patient has escaped from a sanitarium, the proprietor or superintendent shall, within two clear days next after the escape, transmit written notice thereof to the secretary of the board.

Contents
of notice

(2) The notice shall state the full name of the patient, and his then state of mind, and the circumstances of the escape.

Capture

(3) The patient may be retaken at any time within one month after his escape and brought back to and detained in the sanitarium.

Notice of
capture

(4) If the patient is brought back, the proprietor or superintendent shall within two clear days thereafter transmit written notice thereof to the secretary of the board.

Contents

(5) The notice shall state when the patient was so brought back and under what circumstances, and whether with or without a fresh requisition and certificate.

Offence

(6) Every proprietor or superintendent who omits to transmit such a notice, whether of escape or of return, is guilty of an offence and on summary conviction is liable to a fine of not more than \$50. R.S.O. 1960, c. 307, s. 24, *amended*.

Entry of
removal,
discharge,
etc.

25. Where a patient is removed or discharged from a sanitarium or dies therein, the proprietor or superintendent shall, within two clear days next after the removal, discharge or death, make an entry thereof in a book to be kept for that purpose in Form 6 and stating the particulars in Form 6, and shall also within the same period transmit written notice thereof in Form 7 and also of the cause of the removal, discharge or death, if known, to the secretary of the board. R.S.O. 1960, c. 307, s. 25, *amended*.

Certificate
required in
case of death

26.—(1) Where a patient dies in a sanitarium, a statement of the cause of death, with the name of any person present at the death, shall be forthwith drawn up and signed by the superintendent.

ent of the sanitarium, and a copy thereof duly certified by the proprietor or superintendent shall, within forty-eight hours after the death of the patient, be transmitted by him to the secretary of the board and to the person who signed the requisition for the patient's admission or, if he is dead or absent from Ontario, to the person who made the last payment on account of the patient. R.S.O. 1960, c. 307, s. 26 (1); 1966, c. 120, s. 1, *amended*.

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1960, c. 307, s. 26 (2).

27. Where a person discharged from a sanitarium considers himself to have been unjustly detained therein, the secretary of the board shall, at his request, furnish to him or to his solicitor, without fee or reward, a copy of the certificates and requisition upon which he was admitted or detained. R.S.O. 1960, c. 307, s. 27. Furnishing copy of certificates and requisition

28.—(1) In every sanitarium licensed for 100 patients or more there shall be a resident medical practitioner as superintendent or medical attendant thereof and one medical practitioner for each thirty patients over the first thirty in residence, and in every such sanitarium licensed for fewer than one hundred and more than fifty patients there shall be one medical practitioner for each thirty patients in residence, and every sanitarium licensed for fewer than fifty patients, if it is not kept by or has not a resident medical practitioner, shall be visited by one twice in every week, but the board may direct that such last-mentioned sanitarium be visited by a medical practitioner at any other time or times not oftener than once in every day. Medical staff

(2) Where a sanitarium is licensed to receive fewer than eleven patients, any two members of the board may, by writing under their hands, permit the sanitarium to be visited by a medical practitioner at intervals greater than twice every week as they appoint, but not at a greater interval than once in every two weeks. R.S.O. 1960, c. 307, s. 28, *amended*. Where fewer than 11 patients

29.—(1) There shall be kept in every sanitarium a record called "The Clinical Record" in which the medical practitioner keeping or residing in or visiting the sanitarium shall make or cause to be made entries at least every week of the mental state and bodily condition of each patient and a correct statement of the treatment pursued. R.S.O. 1960, c. 307, s. 29 (1). The Clinical Record

(2) The board may, whenever they see fit, by an order in writing, require the superintendent to transmit to them a correct copy of the entries or entry in the clinical record relative to the case of any patient who is or has been detained in the sanitarium. R.S.O. 1960, c. 307, s. 29 (2), *amended*. Duty to furnish copies

Offence

(3) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$40. R.S.O. 1960, c. 307, s. 29 (3).

Inspection
and visi-
tation

30. Every sanitarium shall be visited and inspected by at least two of the members of the board, one of whom is a medical practitioner, at least four times in every year. R.S.O. 1960, c. 307, s. 31, *amended*.

Duties of
visitors in
making visits

31.—(1) The visitors, when visiting a sanitarium, shall inspect every part of it and every house, outhouse, place and building communicating with it or detached from it, but not separated by ground belonging to another person, and every part of the ground and appurtenances held, used or occupied therewith, and shall see every patient then detained therein, and shall inquire whether any patient is under restraint and why, and shall inspect the order and certificates or certificate for the reception and detention of every patient who has been received into the sanitarium since the last visit, and shall enter in the visitors' book a minute as to,

- (a) the then condition of the sanitarium, its furniture, furnishings and surroundings;
- (b) the appearance of the patients, particularly noting if there are any marks of violence;
- (c) the condition of the beds and bedding;
- (d) whether the dietary is suitable and the food service satisfactory;
- (e) whether the staff is sufficient;
- (f) the number of patients under restraint or in seclusion with the reasons stated therefor;
- (g) any irregularity in the order or certificate;
- (h) whether the previous suggestions, if any, of the visitors have been attended to; and
- (i) any matter as to which they or he consider it proper to make observations.

Duties of
proprietor
or superin-
tendent

(2) The proprietor or superintendent shall show to the visitors every part of the sanitarium and every person detained therein as a patient.

Inquiries to
be made by
the visitors

(3) The visitors shall inquire,

- (a) whether divine service is held therein, for what number of patients, and the effect thereof;
- (b) what occupations or amusements are provided for the patients, and the result thereof;

- (c) whether there has been adopted any system of non-restraint, and if so the result thereof;
- (d) as to the classification of patients;
- (e) whether there is any patient who should be discharged;
- (f) whether the building, its furniture and furnishings are suitable;
- (g) whether the nurses engaged in caring for the patients are properly trained for the work in which they are engaged, and how many trained graduate nurses are employed; and
- (h) as to any matter as to which it is proper to inquire in order to ascertain whether the sanitarium is properly conducted.

(4) Upon every visit, there shall be laid before the visitors by the proprietor or superintendent,

What information to be laid before the visitors

- (a) a list of all the patients then in the sanitarium, distinguishing males from females, and specifying such as are considered curable;
- (b) the books and records required to be kept by the proprietor or superintendent and by a medical attendant;
- (c) all requisitions and certificates relating to patients admitted since the last visit;
- (d) the licence then in force;
- (e) all such requisitions, certificates, documents and papers relating to any of the patients at any time received into the sanitarium as the visitors from time to time require to be produced. R.S.O. 1960, c. 307, s. 32, *amended*.

32. There shall be hung up in some conspicuous part of a sanitarium a copy of the plan that accompanied the application for a licence, and there shall be kept in every such sanitarium a copy of this Act, bound in a book called "The Visitors' Book". R.S.O. 1960, c. 307, s. 33, *amended*.

Plan and "Visitors' Book" to be kept

33.—(1) The proprietor or superintendent of a sanitarium shall, within three days after every visit by the visitors, transmit to the secretary of the board a true copy of the entries made by them in The Visitors' Book.

Copies of certain entries

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$40. R.S.O. 1960, c. 307, s. 34, *amended*.

Offence

Visits

34. Any two or more members of the board may visit and inspect a sanitarium in their jurisdiction at any hour of the day or night. R.S.O. 1960, c. 307, s. 35.

Appointment
of commis-
sioner to
conduct
inquiry

35. The Lieutenant Governor in Council may appoint one or more persons a commissioner or commissioners to conduct an inquiry into the operation of this Act, the operation, management and affairs, financial or otherwise, of any sanitarium, any matter concerning the committal, treatment or detention of any person to or in any sanitarium, any charge or complaint that any person has contravened any provision of this Act or the regulations, or has made any false statement in any return, statement, notice, certificate or other form required to be made or kept by this Act or the regulations, and any other matter relating to the administration of this Act, and such commissioner or commissioners have the same power to enforce the attendance of witnesses, and to compel them to give evidence and produce documents and things, as is vested in any court in civil cases. R.S.O. 1960, c. 307, s. 36.

Discharge of
patients

36.—(1) Subject to subsection 3, where the person who signed the requisition on which a patient was received into a sanitarium, by writing under his hand, directs the patient to be removed or discharged, the patient shall forthwith be removed or discharged accordingly.

Disability of
person who
signed the
requisition
for admission

(2) Subject to subsection 3, if the person who signed the requisition is incapable of giving an order for the discharge or removal of the patient or, if he is absent from Ontario or is dead, the husband or wife of the patient or, if there is no husband or wife, the father of the patient or, if there is no father, the mother of the patient or, if there is no mother, then any one of the nearest of kin for the time being of the patient, or the person who made the last payment on account of the patient, may, by writing under his or her hand, give such direction for the discharge or removal of the patient and thereupon the patient shall forthwith be discharged or removed accordingly.

What to be
done if the
physician
in charge
objects

(3) No patient shall be discharged or removed if the superintendent or attending medical practitioner, by writing under his hand, certifies that in his opinion the patient is mentally ill or mentally defective, together with the grounds on which such opinion is founded. R.S.O. 1960, c. 307, s. 37, *amended*.

Transfer
to another
sanitarium
or other
institution
R.S.O. 1970,
c. 269

37. Nothing in this Act prevents a patient from being transferred from one sanitarium to another or to a psychiatric facility under *The Mental Health Act*, but in such case the patient shall, for the purpose of such removal, be placed under the control of an attendant belonging to the sanitarium to or from which he is about to be removed, and shall remain under such control until the removal has been effected. R.S.O. 1960, c. 307, s. 38, *amended*.

38.—(1) Any two or more members of the board, one of whom is a medical practitioner, may make special visits to any patient on such days and at such hours as they think fit, and if after two distinct and separate visits made by the same visitors it appears that the patient is detained without sufficient cause, such visitors may order his discharge and he shall be discharged accordingly.

Discharge of patients by order of inspector or visitors

(2) Every such order shall be signed by the visitors, and the discharge of a patient shall not be ordered until after a conference with the superintendent or an attending medical practitioner respecting the fitness of the patient to be discharged.

Prerequisites

(3) If the visitors after such conference, discharge a patient and the superintendent or medical practitioner has furnished them with a statement in writing containing his reasons against the discharge, they shall forthwith transmit such statement to the secretary of the board who shall enter and register it in a book to be kept for that purpose.

Objections of physician in charge to be recorded

(4) Not less than seven days shall intervene between the first and second of such special visits, and the board shall, seven days before the second of such visits, give notice thereof, either by mail or by an entry in the visitors' book, to the proprietor or superintendent of the sanitarium, and the proprietor or superintendent shall forthwith if possible transmit by registered mail a copy of the notice to the person by whose authority the patient was admitted or by whom the last payment on account of the patient was made.

Time between visits, notice of visits

(5) None of the powers of discharge extend to a patient confined under an order or the authority of the Lieutenant Governor or under the order of any court of criminal jurisdiction. R.S.O. 1960, c. 307, s. 39, *amended*.

What patients the visitors cannot discharge

39. A voluntary patient shall be discharged from a sanitarium when, in the opinion of the superintendent, it is in the interests of the patient or of the sanitarium that he be discharged. 1961-62, c. 110, s. 1, *part*.

Discharge of voluntary patients

40. A certified patient shall be discharged from a sanitarium when, in the opinion of the superintendent, he has sufficiently recovered. 1961-62, c. 110, s. 1, *part*.

Discharge of certified patients

41.—(1) A patient who has been admitted to a sanitarium on a warrant of the Lieutenant Governor shall be discharged from the sanitarium when, in the opinion of the superintendent, he has sufficiently recovered.

Discharge of warrant patients

(2) The superintendent shall not discharge any person under subsection 1 until he has ascertained that the person is no longer liable to imprisonment. 1961-62, c. 110, s. 1, *part*.

Idem

Information
respecting
individuals
detained in
sanitarium

42. If a person applies to a member of the board to be informed whether any particular person is detained in a sanitarium, the member may give a direction so to do to the secretary of the board who shall on the receipt of such direction make search among the returns made to him under this Act, whether the person inquired for is or, within the then last twelve months, has been detained in a sanitarium under the jurisdiction of the board, and if it appears that he is or has been so detained, the secretary shall deliver to the person applying a statement in writing specifying,

- (a) the name and location of the sanitarium in which the person appears to be or to have been detained;
- (b) the name of its proprietor or superintendent;
- (c) the date of admission of such person; and
- (d) in case of his having been removed or discharged, the date of his removal or discharge. R.S.O. 1960, c. 307, s. 40, *amended*.

Visits of
relatives
or friends

43.—(1) Any member of the board may at any time give an order in writing under his hand for the admission to any patient detained in a sanitarium of any relation or friend of such patient or of any person whom any relation or friend of the patient desires to be admitted to him. R.S.O. 1960, c. 307, s. 41 (1), *amended*.

Extent

(2) The order may be either for a single admission or for an admission for any limited number of times or for admission generally at all reasonable times.

Offence

(3) If the proprietor or superintendent refuses admission to or prevents or obstructs the admission to a patient of a person who produces such an order for his admission, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$80. R.S.O. 1960, c. 307, s. 41 (2, 3).

Entrusting
patient to
custody of
his friends

44.—(1) If the superintendent of a sanitarium considers it conducive to the recovery of a patient that he be entrusted for a time to the care of his friends, the superintendent may allow him to return on trial to his friends upon receiving a written undertaking by one or more of them that he or they will keep an oversight over the patient. R.S.O. 1960, c. 307, s. 42 (1).

Recommittal
to sanitarium

(2) If within six months thereafter the patient again becomes mentally ill, mentally defective or a habitue to such a degree that his confinement in a sanitarium is necessary, the medical superintendent, with the consent of one of the visitors, to be endorsed on the warrant, may, by his warrant directed to any person or to any constable or peace officer or to all constables or peace officers, authorize and direct that the patient be apprehended and brought

back to the sanitarium, and the warrant so endorsed is authority to any one acting under it to apprehend the person named in it and to bring him back to the sanitarium. R.S.O. 1960, c. 307, s. 42 (2); 1962-63, c. 108, s. 2, *amended*.

45.—(1) The proprietor or superintendent of a sanitarium, with the consent in writing of any two of the visitors, may send or take under proper control any patient to any specified place for any definite time for the benefit of his health, but before such consent is given, the approval in writing of the person who signed the requisition for the admission of the patient, or by whom the last payment on account of the patient was made, shall, if required, be produced to such visitors. R.S.O. 1960, c. 307, s. 43.

Excursions
for benefit
of health

(2) The superintendent of a sanitarium may permit any patient to leave the sanitarium for a specified period of not more than five days for the purpose of visiting his relatives or friends.

Leave of
absence

(3) Any patient who leaves the sanitarium under subsection 1 or 2 and who does not return within the specified time may be apprehended and brought back to the sanitarium in the manner provided in subsection 2 of section 44. 1962-63, c. 108, s. 3.

Recommittal

46.—(1) The superintendent of a sanitarium may transfer a patient to a public hospital under *The Public Hospitals Act* or to a psychiatric facility under *The Mental Health Act* for treatment or investigation that cannot be supplied in the sanitarium and may readmit the patient to the sanitarium when the patient has received the treatment or investigation.

Transfer of
patient to
hospital
R.S.O. 1970,
cc. 378, 269

(2) Where a patient has been transferred to a public hospital or a psychiatric facility under subsection 1, the superintendent of the hospital or facility to which he has been transferred shall, in addition to any of the powers conferred upon him by the general or special Act under which the hospital or facility operates, have the powers of a superintendent of a sanitarium under this Act, with respect to the custody and control of the patient. R.S.O. 1960, c. 307, s. 44, *amended*.

Powers of
superin-
tendent of
hospital re
custody and
control of
patient

47.—(1) Any two members of the board may, by summons under their hands and seals in Form 8, require any person to appear before him or them to testify on oath the truth touching any matters respecting which such visitors are authorized to inquire.

Attendance
of witnesses

(2) Every person who does not appear pursuant to such a summons, or does not give a reasonable excuse for not appearing, or appears and refuses to be sworn or examined, is guilty of an offence and on summary conviction is liable to a fine of not more than \$200.

Offence

Expenses of
witnesses

(3) The visitors may direct the secretary of the board to pay to a person who appears pursuant to the summons all reasonable expenses of his appearance and attendance, and they shall be deemed expenses incurred by the board in the execution of this Act and shall be taken into account and paid accordingly. R.S.O. 1960, c. 307, s. 45, *amended*.

Offence

48. Every person who knowingly gives, conveys or supplies to a patient detained in a sanitarium any intoxicating liquor or morphia, cocaine or other drugs without the order of the superintendent first obtained in writing is guilty of an offence and on summary conviction is liable to a fine of not more than \$50. R.S.O. 1960, c. 307, s. 46.

Idem

49. Every one who knowingly assists directly or indirectly any patient detained in a sanitarium to escape therefrom is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1960, c. 307, s. 47.

Disposition
of fines

50. All fines when recovered shall be paid to the clerk of the peace for the county or district in which the offence was committed, to be by him applied and accounted for as hereinbefore directed with respect to money received for licences. R.S.O. 1960, c. 307, s. 48.

Limitation
of actions

51. If an action is brought against a person for anything done or purporting to be done in pursuance of this Act by and on behalf of a person who has been detained in a sanitarium and has been released therefrom, it shall be commenced within twelve months next after his release. R.S.O. 1960, c. 307, s. 49.

Leave to
prosecute

52.—(1) No prosecution for an offence against this Act shall be brought except upon the order in writing of the board or with the consent in writing of the Minister of Justice and Attorney General.

Before whom

(2) Every such prosecution shall be heard before a provincial judge or two justices of the peace. R.S.O. 1960, c. 307, s. 50, *amended*.

Costs,
charges and
expenses

53. The costs, charges and expenses incurred by or under any order of the board shall be paid by the clerk of the peace for the county and shall be included by him in the account of receipts and payments hereinbefore directed to be kept by him. R.S.O. 1960, c. 307, s. 51.

Voluntary
admission
of habitue

54.—(1) If the licence so permits, the superintendent of a sanitarium may receive and detain therein for treatment as an habitue, any person who voluntarily makes written application in

Form 9 accompanied by the certificate in Form 9 of one legally qualified medical practitioner certifying that the person is an habitue requiring treatment in a sanitarium and that he is capable of appreciating the fact that he is to be admitted as a voluntary patient.

(2) No person so admitted shall be detained more than three days after he has given notice in writing to the superintendent of his desire to leave the sanitarium. R.S.O. 1960, c. 307, s. 52. Discharge

(3) Subsection 1 shall be deemed to have been complied with if the certificate mentioned therein is completed within twelve hours after the admission of the patient to the sanitarium. 1962-63, c. 108, s. 4. Idem

55. The medical superintendent has full authority to discharge from the sanitarium when, in his opinion, it is advisable, any person who has been admitted to it by his own voluntary application. R.S.O. 1960, c. 307, s. 53. Discharge of
voluntary
patients

56.—(1) Any relative, whether by blood or affinity, or, if he has no relative in Ontario, any friend of any alleged habitue may present a petition verified by oath setting forth the particulars mentioned in subsection 2 to the judge of the county or district court of the county or district in which the habitue resides requesting a hearing and examination of the allegations set forth in the petition, and the judge upon receiving the petition shall direct that a copy of it together with a notice setting forth the time and place for the hearing be served upon the alleged habitue at least eight clear days before the day fixed for the hearing. Petition
to judge

(2) The petition shall set forth that the alleged habitue is a resident of Ontario, and Contents
of petition

- (a) is so given over to the use of alcohol or drugs as to render him unable to control himself and incapable of managing his affairs; or
- (b) by reason of the use of alcohol or drugs,
 - (i) squanders or mismanages his property,
 - (ii) places his family in danger or distress, or
 - (iii) transacts his business prejudicially to the interest of his family or his creditors; or
- (c) uses alcohol or drugs to such an extent that,
 - (i) he is dangerous to himself or to others, or
 - (ii) he incurs the danger of ruining his health or shortening his life.

(3) The judge shall attend at the time and place named in the appointment and then and there proceed to inquire into the matters and allegations set forth in the petition, but he may in his discretion adjourn the inquiry from time to time. Hearing the
petition

- Idem (4) The judge has the same powers as to summoning witnesses, enforcing their attendance and the production of documents as in proceedings in the county or district court, and each party may retain counsel to conduct the proceedings and to examine witnesses.
- Order for admission (5) If the judge upon such inquiry is satisfied that the person petitioned against is an habitue and that any of the allegations in the petition are true, he may order him to be admitted to and detained in a sanitarium for a period not exceeding two years.
- Arrangements (6) Before such order is made, the judge shall ascertain that there is a vacancy in the sanitarium, and that satisfactory arrangements have been made with the medical superintendent thereof for the payment of the maintenance of the habitue.
- Execution of order (7) The order for the conveyance of the habitue to the sanitarium may be carried out by the sheriff or by any other person to whom it is directed. R.S.O. 1960, c. 307, s. 54.
- Provision in case any person detained escapes **57.** If an inmate of a sanitarium, admitted or committed under section 54 or 56, escapes therefrom, any officer or servant of the sanitarium or any other person at the request of the superintendent may, within forty-eight hours after such escape, or within one month thereafter when a warrant has been issued by the superintendent in that behalf, retake such escaped person and return him to the sanitarium where he shall remain under the authority by virtue of which he was detained before the escape. R.S.O. 1960, c. 307, s. 55.
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FORM 1
(Section 13 (1))

REQUISITION FOR ADMISSION OF MENTALLY ILL OR
MENTALLY DEFECTIVE PATIENT

To the Superintendent of Sanitarium
I, the undersigned, hereby request you to admit
of (Name of patient)
..... (Address of patient)
to and to detain him
..... (Name of sanitarium)
(or her) therein as a patient.

- 1. Full name of patient
- 2. Sex
- 3. Age.
- 4. Relationship, if any to applicant
- 5. Occupation.
- 6. Married, single, or widowed
- 7. Religion.
- 8. Duration and description of present symptoms, if known.
- 9. Whether suicidal or dangerous to others, if known.
- 10. Previous hospitalization for mental illness or mental deficiency if known.

Dated this day of, 19....

.....
(Signature of applicant)
.....
(Address)

FORM 2

(Sections 13 (1), 14)

CERTIFICATE OF MEDICAL PRACTITIONER FOR MENTALLY
ILL OR MENTALLY DEFECTIVE PATIENT

I, the undersigned legally qualified medical practitioner, practising at in the County (or District) of hereby certify that on the day of, 19....., separately from any other medical practitioner, I personally examined
(Name of patient)
of
(Municipality)

After due inquiry into all the necessary facts relating to the case of the patient, I do hereby further certify that (s)he is
(Mentally ill or mentally defective) and is a proper person to be admitted to and detained in a sanitarium and that I have formed this opinion upon the following grounds, namely:

1. Facts indicating
(Mental illness or mental deficiency)
observed by myself:

2. Other facts, if any, indicating
(Mental illness or mental deficiency)
communicated to me by others:
(State from whom the information is received)

Signed this day of, 19.....

Witness:

.....
(Signature of medical practitioner)

R.S.O. 1960, c. 307, Form 2.

FORM 3
(Section 20 (1))

VOLUNTARY APPLICATION AND CERTIFICATE

VOLUNTARY APPLICATION

I, , of
(Name of applicant) (Residence)
request the superintendent of the Sanitarium
to admit me as a voluntary patient.

I pledge myself to give at least three clear days notice in writing to the
superintendent of my desire to leave the sanitarium.

Witness

Date
(Signature of applicant)

CERTIFICATE OF MEDICAL PRACTITIONER

The above named applicant has been examined by me and I am of the opinion
that (s)he is suffering from a form of mental illness which requires treatment in a
sanitarium, and that (s)he is capable of appreciating the fact that (s)he is to be
admitted as a voluntary patient.

.....
(Signature of medical practitioner)

.....
(Address)

Date

R.S.O. 1960, c. 307, Form 3.

FORM 4
(Section 21 (1))
REGISTER OF PATIENTS

Register No.			Name	Section of the Act under which Patient was Admitted	Date of Admission	Date of Discharge	Remaining			Remarks
M.	F.	Total					M.	F.	Total	

R.S.O. 1960, c. 307, Form 4

FORM 5

(Section 23)

NOTICE OF ADMISSION

I hereby give you notice that *A.B.* was received into this sanitarium as a patient, on the day of, and I herewith transmit a copy of the requisition and medical certificates (*or* certificate) on which he was received.

Subjoined is a statement with respect to (*his or her*) mental and bodily condition.

(Signed)
(*Name*)

Superintendent (*or* Proprietor) of

Dated this day of, 19

STATEMENT

I have this day seen and personally examined *A.B.*, the patient named in the above notice, and hereby certify that, with respect to mental state, he (*or* she), and that, with respect to bodily health and condition, he (*or* she)

(Signed)
(*Name*)

Medical Proprietor (*or* Superintendent,
or Attendant), of

Dated this day of, 19

R.S.O. 1960, c. 307, Form 5.

FORM 6
(Section 25)

REGISTER OF DISCHARGES AND DEATHS

Date of Death or Discharge	Date of Last Admission	No. in Register, of Patients	Name and Surname in Full	Sex	Discharged			Died	Removed	Assigned Cause of Death	Age at Death	Observations
				M.		Recovered	Relieved	Not Improved				
				F.								

R.S.O. 1960, c. 307, Form 6

FORM 7
(Section 25)

FORM OF NOTICE OF DISCHARGE OR DEATH

I hereby give you notice that..... a patient received
into this sanitarium on the..... day of..... was
discharged therefrom, recovered (*or* relieved, *or* not improved) (*or* was removed
therefrom) by the authority of.....
(*or* died therein) on the..... day of.....

(Signed).....
(Name)

Superintendent (*or* Proprietor)
..... of house at.....
Dated this..... day of....., 19.....

In case of death, add—and I further certify that A.B. was present at the death of
the said....., and that the apparent
cause of the death of the said..... (ascertained by *post*
mortem examination, *if so*) was.....

R.S.O. 1960, c. 307, Form 7.

FORM 8
(Section 47 (1))

FORM OF SUMMONS

We, (*names in full*)..... being two of
the visitors appointed under *The Private Sanitaria Act*, do hereby summon and
require you personally to appear before us at.....
in..... on..... the..... day
of....., at the hour of..... in the
..... noon of the same day, and then and there to be examined,
and to testify the truth touching certain matters relating to the execution of the
said Act.

Given under our hands and seals, this..... day of.....
in the year of our Lord, 19.....

R.S.O. 1960, c. 307, Form 8.

FORM 9

(Section 54)

VOLUNTARY APPLICATION AND CERTIFICATE FOR HABITUE

VOLUNTARY APPLICATION BY HABITUE

I, _____, of _____,
 _____, (Name of patient) _____, (Residence)
 request the superintendent of the _____ Sanitarium
 to admit me as a voluntary patient suffering from _____
 _____, (Alcoholism or
 drug addiction)

Witness

Date (Signature of applicant)

CERTIFICATE OF MEDICAL PRACTITIONER FOR HABITUE

(Voluntary Admission)

The above named applicant has been examined by me and I am of the opinion that (s)he is an alcoholic (*or drug*) habitue requiring treatment in a sanitarium and that (s)he is capable of appreciating the fact that (s)he is to be admitted as a voluntary patient.

(Signature of medical practitioner)

(Address)

Date

R.S.O. 1960, c. 307, Form 9.

CHAPTER 364

The Probation Act

1.—(1) Such probation officers as are considered necessary for the purposes of this Act shall be appointed under *The Public Service Act*. Appointment of probation officers
R.S.O. 1970,
c. 386

(2) Every probation officer appointed in accordance with subsection 1 is a probation officer in and for the Province of Ontario and shall perform his duties in such part of Ontario as is assigned to him from time to time by the Minister of Justice and Attorney General. 1965, c. 103, s. 1 (1). Jurisdiction

(3) A probation officer shall be deemed to be an officer of every court in the part of Ontario to which he is assigned and shall carry out the directions of the judges presiding in such courts. R.S.O. 1960, c. 308, s. 1 (4); 1965, c. 103, s. 1 (2), *amended*. Status

2.—(1) It is the duty of a probation officer and he has power with regard to any person convicted at a sittings of the Supreme Court for the trial of criminal cases, or at the general sessions of the peace, or at the county judges' criminal court, or at a provincial court in the part of Ontario to which he is assigned, Powers and duties

- (a) to procure and report such information as to the antecedents, family history, previous convictions, character of employment and other information respecting any person so convicted as the court requires;
- (b) to supervise under the direction of the court before whom such person was convicted the employment, conduct and general condition under which the person so convicted may be placed during the period of probation imposed by the court;
- (c) to see that any person so convicted reports from time to time as the court prescribes, and to report to the court if the person so convicted is or is not carrying out the terms on which sentence is suspended, and to see that such person, in case of default, is brought again before the court for sentence;
- (d) to see that any person so released on suspended sentence duly makes restitution and reparation;
- (e) to see that any person so convicted while on probation duly carries out any order of the court requiring him to

make due provision for the support of his wife and any other dependants for whom he may be liable;

- (f) to do all such other things as are directed by the court or by the regulations made under this Act.

To be
ex officio
provincial
constable

(2) In the performance and exercise of the powers imposed by or under subsection 1, a probation officer is *ex officio* a provincial police constable. R.S.O. 1960, c. 308, s. 3, *amended*.

Expenses
of office,
how borne

3. The salary or other remuneration of a probation officer and the expenses of providing clerical and other assistance and any other necessary expenses of his office are payable out of the moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 308, s. 4.

Regulations

4. The Lieutenant Governor in Council may make regulations, which may be general or special in their application,

- (a) respecting the qualifications, duties and powers of probation officers;
- (b) prescribing the reports and returns to be made by probation officers;
- (c) fixing the salary or other remuneration to be paid to probation officers;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 308, s. 5; 1968, c. 102, s. 2.

Probation
on certain
conditions:

1953-54,
c. 51 (Can.)

5.—(1) Where a person is charged with having committed an offence against any statute of Ontario, the court before which such person is brought for trial may make such inquiries as it considers proper as to the character and reputation of the person charged and as to whether or not he has been previously convicted of any offence under the *Criminal Code* (Canada) or against a statute of Ontario, and if it appears that, regard being had to his age, character and antecedents, it is expedient that he be released on probation of good conduct, such court may release him under one or more of the following directions and conditions:

recog-
nizance

probation

report to
probation
officer

- 1. That such person enters into a recognizance with or without sureties to keep the peace and to be of good behaviour.
- 2. That such person be placed upon probation for such period and under such circumstances as the court before which he is brought prescribes.
- 3. That such person shall report from time to time during such period of probation to any probation officer that the court designates.

4. That such person shall be under the supervision and direction of such probation officer during the period of probation, and shall obey and carry out the instructions and directions of the probation officer. supervision and direction
5. That such person pay the costs of the prosecution or some portion of the same within such period and by such instalments as the court before which he is brought directs. payment of costs
6. That such person make restitution and reparation to any person or persons aggrieved or injured by the offence charged, for any actual damage or loss thereby caused. restitution
7. That such person while on probation be ordered to provide for the support of his wife and any other dependant or dependants for whom he is liable. support of family
8. That such person perform and carry out any other direction and condition that the court before which he is brought prescribes and considers proper to impose. other conditions and directions

(2) The court before which such person is brought, before directing the release or discharge of any such person, shall be satisfied that such person or his surety has a fixed place of residence or regular occupation in the county or place for which the court acts, or in which such person is likely to live during the period named for the observance of the conditions. Place of abode of person charged to be in jurisdiction

(3) If any court having power to deal with such person in respect of the charge against him, or if any court is satisfied by information on oath that such person has failed to observe any of the conditions of his recognizance, or has failed to observe and perform any direction or condition made in reference to probation or otherwise, a new information may be issued against such person for the original offence charged, and in addition an information may also be issued against such person for a breach of any of the directions and conditions so imposed. Failure to carry out conditions

(4) Upon summary conviction of a breach of any of the directions and conditions so made, such person, in addition to any penalty that may be imposed for the original offence, is liable to a fine of not more than \$50. R.S.O. 1960, c. 308, s. 6, *amended*. Penalty

CHAPTER 365

The Proceedings Against the Crown Act

1. In this Act,

Interpre-
tation

- (a) “agent”, when used in relation to the Crown, includes an independent contractor employed by the Crown;
- (b) “Crown” means Her Majesty the Queen in right of Ontario;
- (c) “order” includes a judgment, decree, rule, award and declaration;
- (d) “proceedings against the Crown” includes a claim by way of set-off or counterclaim raised in proceedings by the Crown and includes interpleader proceedings to which the Crown is a party;
- (e) “servant”, when used in relation to the Crown, includes a minister of the Crown. 1962-63, c. 109, s. 1.

2.—(1) This Act does not affect and is subject to *The Certification of Titles Act* as to claims against The Certification of Titles Assurance Fund, *The Corporations Tax Act*, *The Expropriations Act*, *The Highway Improvement Act*, *The Income Tax Act*, *The Land Titles Act* as to claims against The Land Titles Assurance Fund, *The Logging Tax Act*, *The Mining Tax Act*, *The Motor Vehicle Accident Claims Act*, *The Retail Sales Tax Act*, *The Succession Duty Act* and *The Workmen’s Compensation Act*. 1962-63, c. 109, s. 2 (1), *amended*.

Acts not
affected

R.S.O. 1970,
cc. 59, 91,
154, 201,
217, 234,
258, 275,
281, 415,
449, 505

(2) Nothing in this Act,

Limits of
scope of
Act

- (a) subjects the Crown to greater liability in respect of the acts or omissions of a servant or agent of the Crown than that to which the Crown would be subject in respect of such acts or omissions if it were a person of full age and capacity; or
- (b) subjects the Crown to proceedings under this Act in respect of a cause of action that is enforceable against a corporation or other agency of the Crown; or
- (c) subjects the Crown to proceedings under this Act in respect of any act or omission of a servant of the Crown unless that servant has been appointed by or is employed by the Crown; or
- (d) subjects the Crown to proceedings under this Act in respect of anything done in the due enforcement of the

criminal law or of the penal provisions of any Act of the Legislature; or

R.S.O. 1970,
c. 263

- (e) authorizes proceedings against the Crown under *The Master and Servant Act*. 1962-63, c. 109, s. 2 (2); 1970, c. 2, s. 1.

Right to
sue Crown
without
fiat

3. Except as provided in section 29, a claim against the Crown that, if this Act had not been passed, might be enforced by petition of right, subject to the grant of a fiat by the Lieutenant Governor, may be enforced as of right by proceedings against the Crown in accordance with this Act without the grant of a fiat by the Lieutenant Governor. 1962-63, c. 109, s. 3.

Right to
sue Crown
corporation
without
consent

4. A claim against a corporation of the Crown that, if this Act had not been passed, might be enforced, subject to the consent of a servant of the Crown, may be enforced as of right without such consent. 1962-63, c. 109, s. 4.

Liability
in tort
R.S.O. 1970,
c. 225

5.—(1) Except as otherwise provided in this Act, and notwithstanding section 11 of *The Interpretation Act*, the Crown is subject to all liabilities in tort to which, if it were a person of full age and capacity, it would be subject,

- (a) in respect of a tort committed by any of its servants or agents;
- (b) in respect of a breach of the duties that a person owes to his servants or agents by reason of being their employer;
- (c) in respect of any breach of the duties attaching to the ownership, occupation, possession or control of property; and
- (d) under any statute, or under any regulation or by-law made or passed under the authority of any statute.

Where
proceedings
in tort lie

(2) No proceedings shall be brought against the Crown under clause *a* of subsection 1 in respect of an act or omission of a servant or agent of the Crown unless proceedings in tort in respect of such act or omission may be brought against that servant or agent or his personal representative.

Liability
for acts
of servants
performing
duties
legally
required

(3) Where a function is conferred or imposed upon a servant of the Crown as such, either by a rule of the common law or by or under a statute, and that servant commits a tort in the course of performing or purporting to perform that function, the liability of the Crown in respect of the tort shall be such as it would have been if that function had been conferred or imposed by instructions lawfully given by the Crown.

(4) In proceedings against the Crown under this section, an enactment that negatives or limits the liability of a servant of the Crown in respect of a tort committed by that servant applies in relation to the Crown as it would have applied in relation to that servant if the proceedings against the Crown had been proceedings against that servant.

Application of enactments limiting liability of servants of the Crown

(5) Where property vests in the Crown independent of the acts or the intentions of the Crown, the Crown is not, by virtue of this Act, subject to liability in tort by reason only of the property being so vested; but this subsection does not affect the liability of the Crown under this Act in respect of any period after the Crown, or any servant of the Crown, has in fact taken possession or control of the property.

Property vesting in the Crown

(6) No proceedings lie against the Crown under this section in respect of anything done or omitted to be done by a person while discharging or purporting to discharge responsibilities of a judicial nature vested in him or responsibilities that he has in connection with the execution of judicial process. 1962-63, c. 109, s. 5.

Limitation of liability in respect of judicial acts

6. The law relating to indemnity and contribution is enforceable by and against the Crown in respect of any liability to which it is subject, as if the Crown were a person of full age and capacity. 1962-63, c. 109, s. 6.

Application of law as to indemnity and contribution

7.—(1) Subject to subsection 3, except in the case of a counterclaim or claim by way of set-off, no action for a claim shall be commenced against the Crown unless the claimant has, at least sixty days before the commencement of the action, served on the Crown a notice of the claim containing sufficient particulars to identify the occasion out of which the claim arose, and the Minister of Justice and Attorney General may require such additional particulars as in his opinion are necessary to enable the claim to be investigated.

Notice of claim

(2) Where a notice of a claim is served under subsection 1 before the expiration of the limitation period applying to the commencement of an action for the claim and the sixty-day period referred to in subsection 1 expires after the expiration of the limitation period, the limitation period is extended to the end of seven days after the expiration of the sixty-day period.

Limitation period extended

(3) No proceedings shall be brought against the Crown under clause *c* of subsection 1 of section 5 unless the notice required by subsection 1 is served on the Crown within ten days after the claim arose. 1965, c. 104, s. 1, *part*.

Notice of claim for breach of duty respecting property

Proceedings
in Supreme
Court
R.S.O. 1970,
c. 228

8. Except as otherwise provided in this Act, proceedings against the Crown in the Supreme Court shall be instituted and proceeded with in accordance with *The Judicature Act* and the rules of court. 1962-63, c. 109, s. 7.

Proceedings
in county
and district
courts

R.S.O. 1970,
c. 94

9. Except as otherwise provided in this Act and subject to any enactment limiting the jurisdiction of county and district courts, proceedings against the Crown may be instituted in a county or district court and proceeded with in accordance with *The County Courts Act* and the rules of court. 1962-63, c. 109, s. 8.

Proceedings
in small
claims
courts

R.S.O. 1970,
c. 439

10. Except as otherwise provided in this Act and subject to any enactment limiting the jurisdiction of small claims courts, proceedings against the Crown may be instituted in a small claims court and proceeded with in accordance with *The Small Claims Courts Act* and the rules thereunder. 1970, c. 2, s. 2, *amended*.

Appeals,
stay of
execution,
etc.

11. Except as otherwise provided in this Act, all enactments and rules of court relating to appeals and stay of execution or proceedings, with necessary modifications, apply to proceedings against the Crown. 1962-63, c. 109, s. 9.

Discovery

12. In proceedings against the Crown, the rules of the court in which the proceedings are pending as to discovery and inspection of documents and examination for discovery apply in the same manner as if the Crown were a corporation, except that,

- (a) the Crown may refuse to produce a document or to answer a question on the ground that the production or answer would be injurious to the public interest;
- (b) the person who shall attend to be examined for discovery shall be an official designated by the Deputy Minister of Justice and Deputy Attorney General; and
- (c) the Crown is not required to deliver an affidavit on production of documents for discovery and inspection, but a list of the documents that the Crown may be required to produce, signed by the Deputy Minister of Justice and Deputy Attorney General, shall be delivered. 1965, c. 104, s. 2, *amended*.

Designation
of Crown in
proceedings

13. In proceedings under this Act, the Crown shall be designated "Her Majesty the Queen in right of Ontario". 1962-63, c. 109, s. 11.

Service on
the Crown

14. In proceedings under this Act, a document to be served on the Crown shall be served by leaving a copy with the Minister of Justice and Attorney General or the Deputy Minister of Justice and Deputy Attorney General or any barrister or solicitor in the office of the Minister of Justice and Attorney General. 1962-63, c. 109, s. 12.

15. In proceedings against the Crown, trial shall be without a jury. 1962-63, c.109, s. 13.

Trial without jury

16. The Crown may obtain relief by way of interpleader proceedings and may be made a party to such proceedings in the same manner as a person may obtain relief by way of such proceedings, or be made a party thereto, notwithstanding that the application for relief is made by a sheriff or bailiff or other like officer, and the provisions relating to interpleader proceedings in the rules of court, subject to this Act, shall have effect accordingly. 1962-63, c. 109, s. 14.

Interpleader

17. Except as otherwise provided in this Act, in proceedings against the Crown, the rights of the parties are as nearly as possible the same as in a suit between persons, and the court may make any order that it may make in proceedings between persons, and may otherwise give such appropriate relief as the case may require. 1962-63, c. 109, s. 15.

Rights of parties and authority of court

18.—(1) Where in proceedings against the Crown any relief is sought that might, in proceedings between persons, be granted by way of injunction or specific performance, the court shall not, as against the Crown, grant an injunction or make an order for specific performance, but in lieu thereof may make an order declaratory of the rights of the parties.

No injunction or specific performance against Crown

(2) The court shall not in any proceedings grant an injunction or make an order against a servant of the Crown if the effect of granting the injunction or making the order would be to give any relief against the Crown that could not have been obtained in proceedings against the Crown, but in lieu thereof may make an order declaratory of the rights of the parties. 1962-63, c. 109, s. 16.

Limitation on injunctions and orders against Crown servants

19. In proceedings against the Crown in which the recovery of real or personal property is claimed, the court shall not make an order for its recovery or delivery, but in lieu thereof may make an order declaring that the claimant is entitled, as against the Crown, to the property claimed or to the possession thereof. 1962-63, c. 109, s. 17.

Order for recovery of property not to be made against Crown

20.—(1) No person may avail himself of any set-off or counterclaim in proceedings by the Crown for the recovery of taxes, duties, or penalties, or avail himself, in proceedings of any other nature by the Crown, of any set-off or counterclaim arising out of a right or claim to repayment in respect of any taxes, duties or penalties.

Restriction on set-off and counterclaim

(2) Subject to subsection 1, a person may avail himself of any set-off or counterclaim in proceedings by the Crown if the

Idem

subject-matter of the set-off or the counterclaim relates to a matter under the administration of the particular government department with respect to which the proceedings are brought by the Crown. 1962-63, c. 109, s. 18.

Crown
defences

21. In proceedings against the Crown, any defence that, if the proceedings were between persons, could be relied upon by the defendant as a defence to the proceedings or otherwise may be relied upon by the Crown. 1962-63, c. 109, s. 20.

No judg-
ment by
default
against
Crown
without
leave

22. In proceedings against the Crown, judgment shall not be entered against the Crown in default of appearance or pleading without the leave of the court to be obtained on an application of which notice has been given to the Crown. 1962-63, c. 109, s. 21.

Proceedings
in rem

23. Nothing in this Act authorizes proceedings *in rem* in respect of any claim against the Crown, or the seizure, attachment, arrest, detention or sale of any property of the Crown. 1962-63, c. 109, s. 22.

Interest
on judg-
ment debt

24. A judgment debt due to or from the Crown bears interest in the same way as a judgment debt due from one person to another. 1962-63, c. 109, s. 23.

Prohibition
of execu-
tion, etc.,
against
Crown

25. No execution or attachment or process in the nature thereof shall be issued out of any court against the Crown. 1962-63, c. 109, s. 24.

Payment
by Crown

26. Where an order of a court provides for the payment of money by the Crown by way of damages or costs or otherwise and such order is final and not subject to appeal, the Treasurer of Ontario shall pay out of the Consolidated Revenue Fund to the person entitled, or to his order, the amount due, together with the interest, if any, lawfully due thereon. 1962-63, c. 109, s. 25.

Conflict

27. Where this Act conflicts with any other Act, this Act governs. 1962-63, c. 109, s. 26.

No retro-
active
effect

28. No proceedings shall be brought against the Crown under this Act in respect of any act or omission, transaction, matter or thing occurring or existing before the 1st day of September, 1963. 1962-63, c. 109, s. 27, *amended*.

Pending
claims

29.—(1) A claim against the Crown existing on the 1st day of September, 1963 that, if this Act had not been passed, might have been enforced by petition of right may be proceeded with by petition of right, subject to the grant of a fiat by the Lieutenant Governor as if this Act had not been passed.

(2) A claim arising under a contract with the Crown that was entered into before the 1st day of September, 1963 may be proceeded with under subsection 1, but not otherwise. Existing contracts

(3) This Act does not affect proceedings against the Crown by petition of right that have been instituted before the 1st day of September, 1963, and, for the purposes of this section, proceedings against the Crown by petition of right shall be deemed to have been instituted if a petition of right with respect to the matter in question has been left with the Provincial Secretary before that date. Pending proceedings

(4) Subject to subsections 1, 2 and 3, proceedings against the Crown by petition of right are abolished, and, except for the purposes of subsections 1, 2 and 3, the rules of court respecting petitions of right are revoked. 1962-63, c. 109, s. 28, *amended*. Petitions of right abolished

CHAPTER 366

The Professional Engineers Act

INTERPRETATION

1. In this Act,Inter-
pre-
ta-
tion

- (a) “Association” means the Association of Professional Engineers of the Province of Ontario;
- (b) “by-law” means a by-law of the Association;
- (c) “chapter” means a group of members constituted and governed by by-law;
- (d) “council” means the council of the Association;
- (e) “graduate” means a graduate of a university or other educational institution in a course in any branch of engineering or science, the practice of which constitutes professional engineering and which is recognized by the council;
- (f) “licence” means a licence to practise professional engineering issued under this Act;
- (g) “licensee” means a person who holds a subsisting licence;
- (h) “member” means a member of the Association;
- (i) “practice of professional engineering” means the doing of one or more acts of advising on, reporting on, designing of or supervising of the construction of, all public utilities, industrial works, railways, tramways, bridges, tunnels, highways, roads, canals, harbour works, lighthouses, river improvements, wet docks, dry docks, floating docks, dredges, cranes, drainage works, irrigation works, waterworks, water purification plants, sewerage works, sewage disposal works, incinerators, hydraulic works, power transmission systems, steel, concrete or reinforced concrete structures, electric lighting systems, electric power plants, electric machinery, electric or electronic apparatus, electrical or electronic communication systems or equipment,, mineral property, mining machinery, mining development, mining operations, gas or oil developments, smelters, refineries, metallurgical machinery, or equipment or apparatus for carrying out such operations, machinery, boilers or their

auxiliaries, steam engines, hydraulic turbines, pumps internal combustion engines or other mechanical structures, chemical or metallurgical machinery, apparatus or processes, or aircraft, and generally all other engineering works including the engineering works and installations relating to airports, airfields or landing strips or relating to town and community planning;

- (j) “professional engineer” means a person who is a member or licensee;
- (k) “region” means a geographical area of Ontario as defined by by-law;
- (l) “register” means the record of registrants maintained by the registrar;
- (m) “registrant” means a person recorded in the register as a member, licensee, an assistant to a professional engineer, a graduate or an undergraduate;
- (n) “registrar” means the registrar of the Association;
- (o) “regulation” means a regulation of the Association;
- (p) “undergraduate” means a student enrolled at but not graduated from a university or other educational institution in a course in any branch of engineering or science, the practice of which constitutes professional engineering and that is recognized by the council. 1968-69, c. 99, s. 1.

Activities
not affected

2. Nothing in this Act prevents,

- (a) any person from performing his duties in the Canadian Armed Forces;
- (b) any member or licensee of the Ontario Association of Architects under *The Architects Act* or any employee of such member or licensee acting under the direction and responsibility of such member or licensee from performing professional engineering services in the course of any work undertaken or proposed to be undertaken by such member or licensee as an architect;
- (c) any person who holds a certificate of qualification under *The Operating Engineers Act* from practising or designating himself as an operating engineer;
- (d) any person from practising as a bacteriologist, chemist, geologist, mineralogist or physicist;
- (e) any person from advising on or reporting on any mineral property or prospect;
- (f) any person from operating, executing or supervising any works as owner, contractor, superintendent, foreman, inspector or master,

R.S.O. 1970,
c. 27

R.S.O. 1970,
c. 333

or requires any such person to become registered or licensed under this Act in order to do any such thing. 1968-69, c. 99, s. 2.

ASSOCIATION

3.—(1) The body politic and corporate known as the “Association of Professional Engineers of the Province of Ontario” Association continued incorporated under *The Professional Engineers Act, 1922* is hereby 1922, c. 59 continued.

(2) All persons who were members of the Association on the 1st day of August, 1969 or who have been admitted as members since that day constitute the Association. Members

- (3) The objects of the Association are, Objects
- (a) to regulate the practice of professional engineering and to govern the profession in accordance with this Act, the regulations and the by-laws;
 - (b) to establish and maintain standards of knowledge and skill among its members; and
 - (c) to establish and maintain standards of professional ethics among its members,

in order that the public interest may be served and protected.

(4) The head office of the Association shall be at the city of Head office Toronto.

(5) The Association may purchase, acquire or take by gift, Property devise or bequest for the purposes of the Association and the furtherance of its objects, but for no other purposes or objects, any real or personal property, and may sell, mortgage, lease or otherwise dispose of any such property. 1968-69, c. 99, s. 3, amended.

COUNCIL

4.—(1) There shall be a council which shall consist of a Council president, a first vice-president, a second vice-president, an immediate past president, two elected councillors-at-large, ten elected regional councillors and five appointed councillors, all of whom shall be members and residents of Ontario.

(2) The president and the vice-presidents shall have such qualifications as are prescribed by by-law and shall be elected annually by vote of the members. President and vice-presidents

(3) One councillor-at-large shall be elected each year for a two-year term by vote of the members. Councillors-at-large

(4) There shall be elected from each of the five regions established and defined by by-law two regional councillors, one to be elected from each region each year for a two-year term by vote Regional councillors

of the members who are recorded as residents in that region at the time the election is held.

Appointed
councillors

(5) The five appointed councillors shall be appointed by the Lieutenant Governor in Council for a term of three years and shall be qualified respectively in the following fields of engineering:

1. Civil.
2. Mechanical, Aeronautical and Industrial.
3. Electrical.
4. Chemical and Metallurgical.
5. Mining and Geology.

Lay
councillor;
legal
councillor

(6) In addition to the councillors mentioned in subsection 1, the Lieutenant Governor in Council may appoint as councillors,

- (a) a person who is not a member; and
- (b) a person who is a barrister and solicitor of at least ten years standing at the bar of Ontario,

both of whom are residents of Ontario.

Term

(7) Persons appointed under subsection 6 shall serve for a term of three years but are eligible for reappointment.

Vacancies

(8) Where the president, a vice-president or a councillor resigns, is absent from three consecutive meetings of the council, becomes incapacitated or dies, the office may be declared vacant by the council, and, if such office should be declared vacant, except in a case of a councillor appointed by the Lieutenant Governor in Council, the council shall fill the vacancy in such manner as is provided by by-law, and in the case of a vacancy in the office of a councillor appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council may fill the vacancy by appointment of a person of the same class as the councillor causing the vacancy.

Councillors
to be
Canadians

(9) No person shall be appointed or elected to the council unless he is a Canadian citizen or other British subject, and no person shall continue to hold any such office if he ceases to be so qualified. 1968-69, c. 99, s. 4.

Registrar,
treasurer,
secretary,
executive
director

5. The council,

- (a) shall appoint a registrar and a treasurer; and
- (b) may appoint a secretary, an executive director and such other officials as the council considers appropriate,

and any two or more of such offices may be held by one person. 1968-69, c. 99, s. 5.

6. No action or other proceedings for damages shall be instituted against the council, or any member or official of the council or any person appointed by the council for any act done in good faith in the performance or intended performance of any duty or in the exercise or in the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of any such duty or power. 1968-69, c. 99, s. 6.

Liability
of council,
officers and
members

7.—(1) The council may make regulations respecting any matter that is outside the scope of the power to pass by-laws specified in section 8 and, without limiting the generality of the foregoing,

Regulations

- (a) prescribing the scope and conduct of examinations of candidates for registration;
- (b) prescribing the form of the summons referred to in subsection 10 of section 25;
- (c) respecting the practice and procedure for hearings held under this Act;
- (d) defining “professional misconduct” for the purpose of this Act and the regulations;
- (e) defining classes of specialists in the various fields of engineering;
- (f) prescribing the qualifications required of specialists or any class thereof;
- (g) providing for the designation of specialists upon application and examination or otherwise, for the suspension or revocation of such designations, and for the regulation and prohibition of the use of terms, titles or designations by professional engineers indicating specialization in any field of engineering;
- (h) regulating and prohibiting the use of terms, titles or designations by professional engineers in independent practice.

(2) No regulation is effective,

Approvals

- (a) until it has been submitted to the members for approval by means of a letter ballot returnable within thirty days after the mailing thereof and it has been approved by a majority of those voting within the prescribed time; and
- (b) until it has been approved by the Lieutenant Governor in Council. 1968-69, c. 99, s. 7.

8.—(1) The council may pass by-laws relating to the administrative and domestic affairs of the Association, and, without limiting the generality of the foregoing,

By-laws

- (a) respecting the determination and modification of the boundaries of regions and the determination of regions in which members shall be deemed to reside for the purposes of the election of councillors;
- (b) prescribing procedures for the nomination and election of the councillors and the nomination and election of the president and the vice-presidents and the qualifications necessary to hold any such office;
- (c) prescribing the duties of the councillors and rules governing their conduct;
- (d) respecting the remuneration and reimbursement of members of the council;
- (e) respecting the calling, holding and conduct of meetings of the council and the Association;
- (f) providing for the establishment and regulation of chapters;
- (g) respecting the management of the property of the Association;
- (h) providing for the borrowing of money on the credit of the Association and the charging, mortgaging, hypothecating or pledging of any of the real or personal property of the association to secure any money borrowed or other debt or any other obligation or liability of the Association;
- (i) respecting the application of the funds of the Association, and the investment and reinvestment of any of its funds not immediately required in any investments that may from time to time be authorized investments for joint stock insurance companies and cash mutual insurance corporations under *The Corporations Act*;
- (j) defining the composition and functions of the board of examiners;
- (k) providing for the establishment of scholarships, bursaries and prizes;
- (l) providing for the appointment of committees of the council and defining their composition and functions;
- (m) providing for the closing of the register and the restriction of recording changes of addresses of the registrants for a period of time not exceeding forty-eight hours, exclusive of Sundays and holidays, immediately preceding any meeting of the members or any election;
- (n) respecting the registration of members and the recording of licensees, graduates, undergraduates and assistants to professional engineers;

- (o) for maintaining a system for the recording of registrants, their residence addresses and the regions in which they are resident and for the recording of the names of official representatives of partnerships, associations of persons or corporations;
- (p) providing for services to encourage and assist members in the development of their professional competence and conduct and in carrying on the practice of professional engineering;
- (q) fixing and providing for levying and collecting or remitting annual and other fees, levies and assessments;
- (r) prescribing forms and providing for their use;
- (s) respecting all other things that are deemed necessary or convenient for the attainment of the objects of the Association and the efficient conduct of its business.

(2) No by-law is effective until it has been submitted to the members for approval by means of a letter ballot returnable within thirty days after the mailing thereof and unless it has been approved by a majority of those voting within the prescribed time. Approval

(3) As between a registrant and the Association, the ruling of the council on the construction and interpretation of any by-law is final. 1968-69, c. 99, s. 8. Construction

9.—(1) The council shall prepare and publish from time to time a code of ethics containing standards of conduct designed for the protection of the public, which standards members and licensees must subscribe to and follow in the practice of professional engineering. Code of ethics

(2) Copies of the code of ethics shall be sent to the members and licensees and shall be available free of charge to members of the public who apply therefor. 1968-69, c. 99, s. 9. Copies

10. The council may authorize participation by the Association in the activities of the Canadian Council of Professional Engineers, as a constituent association thereof. 1968-69, c. 99, s. 10. Canadian Council of Professional Engineers

MEMBERSHIP

11.—(1) Any applicant for membership who,

- (a) resides,
 - (i) in Ontario,
 - (ii) out of Ontario and is employed for an indefinite period as a full-time employee of an employer having works or facilities in Ontario and is required

Qualification for membership

by the terms of his employment to practise professional engineering in respect of such works or facilities or has a place of employment in Ontario and practises or proposes to practise professional engineering in Ontario on a full-time basis;

- (b) is twenty-one or more years of age;
- (c) has passed the examinations prescribed by the council or is exempted therefrom pursuant to subsection 3 or 6;
- (d) has had six or more years of experience in engineering work satisfactory to the council; and
- (e) provides satisfactory evidence of good character,

shall be admitted as a member by the council.

Evidence of
qualification

(2) Each applicant for membership shall submit upon the prescribed form evidence of his educational qualifications and engineering experience, information as to his residence and at least three references as to his character and engineering experience, and he may be required by the council to verify the statements set out in his application by affidavit.

Credit for
academic
and other
qualifica-
tions

(3) The council may exempt an applicant from any of the examinations mentioned in clause *c* of subsection 1 if the council is of the opinion that the applicant has adequate academic and other qualifications.

Credit for
time spent
at a
university

(4) Where the applicant is a graduate, upon presenting evidence of the actual time during which he was under instruction as an undergraduate in a university, the council shall grant him the time spent under such instruction in reduction of the six-year period of engineering experience required by clause *d* of subsection 1, but only in so far as the total exemption granted does not exceed four years.

Board of
examiners
to consider
applications

(5) The council may for the purpose of subsection 3 or 4 require the board of examiners to consider and make recommendations to the council with respect to any application for exemption, including an application for exemption of a graduate in honours science. 1968-69, c. 99, s. 11 (1-5).

Admission
of members
of other
associations

12. The council may, upon application and satisfactory proof of residence, admit as a member any person who resides in Ontario, or who resides out of Ontario under the circumstances set out in subclause ii of clause *a* of subsection 1 of section 11, and who furnishes satisfactory proof,

- (a) that he is a member of an association of professional engineers in another province or a territory of Canada that has objects similar to those of the Association and requirements for membership no less exacting than those in effect in Ontario; or

- (b) that he is a member of an association of professional engineers in another part of the Commonwealth or in the United States of America that has objects similar to those of the Association and requirements for membership no less exacting than those in effect in Ontario. 1968-69, c. 99, s. 12.

13.—(1) Persons who are engaged as assistants to professional engineers in categories recognized by the council and graduates and undergraduates who have not completed the period of engineering experience required by this Act and who contemplate applying for membership on the completion of the period of engineering experience may, upon application in the prescribed form, be recorded in the register but not as members of the Association until fully qualified, and upon being so recorded are subject to the control of the council in accordance with this Act, the regulations and the by-laws. Students and assistants

(2) Any registrant whose name is recorded in the register pursuant to subsection 1 may, upon application, have his name deleted from the register. 1968-69, c. 99, s. 13. Deletion of names

14.—(1) The annual fee from a registrant shall be deemed to be a debt due to the Association and is recoverable from him in the name of the Association in any court of competent jurisdiction. Annual fee

(2) Where the annual fee is not paid within six months from the date upon which it became due, the treasurer shall send a written notice of such default by prepaid mail addressed to the registrant's latest address as shown on the register, and, if payment is not made within one month thereafter, the registrar, upon the direction of the council, shall delete or cause the name of the registrant to be deleted from the register, and thereupon the registrant ceases to be a member, a licensee, an assistant to a professional engineer, or a graduate or undergraduate recorded pursuant to section 13, as the case may be. 1968-69, c. 99, s. 14. Non-payment of annual fee

15. Any member who intends to withdraw from the practice of professional engineering and whose fees are paid up shall send written notice thereof to the registrar, whereupon the registrar shall delete his name from the register. 1968-69, c. 99, s. 15. Resignations

16. Any person who ceased to be a member under subsection 2 of section 14, upon payment of the fees owing at the time he ceased to be a member and the fee for the current year, or any person whose name has been deleted from the register under section 15, upon payment of the fee for the current year, and, in either case, upon production of evidence of good character satisfactory to the council, shall, upon the direction of the council, have his name restored on the register. 1968-69, c. 99, s. 16. Restorations

LICENSING

Issue of
licences to
members of
associations
of other
provinces

17.—(1) The registrar may upon application issue a licence to any person who resides in Canada but not in Ontario and who furnishes satisfactory proof that he is a member of an association of professional engineers in another province or a territory of Canada that has objects similar to those of the Association.

Issue of
licences to
consulting
specialists

(2) Any person who does not reside in Canada but who in the opinion of the council is a consulting specialist in a field of professional engineering who has had not less than ten years experience in the practice of his profession, or who furnishes satisfactory evidence that he has qualifications at least equal to those required for registration as a professional engineer in Ontario, may, with the approval of the council, be issued a licence.

Issue of
licences to
persons
from
provinces
without
associations

(3) Any person practising or proposing to practise professional engineering in Ontario who resides in a province or territory of Canada in which there is no association of professional engineers that has objects similar to those of the Association, may, with the approval of the council, be issued a licence.

Practise by
applicant
for a
licence

(4) Where an applicant for a licence fails to obtain it promptly for any reason unrelated to his professional capacity or his own neglect, he may practise professional engineering in Ontario for a period of not more than three months without a licence.

Licence to
be issued
by the
registrar

(5) The registrar shall issue a licence in the prescribed form to any person entitled thereto and shall specify therein the work upon which and the name of the employer in Ontario by whom the holder of the licence is to be employed and the period for which it is issued, but in no case shall the period extend beyond the end of the calendar year in which the licence is issued.

Additional
condition

(6) The council may direct that any licence issued under subsection 2 shall, in addition to the conditions mentioned in subsection 5, contain a condition that the licensee may practise professional engineering in Ontario only in collaboration with a member who shall sign and seal any plans and specifications together with the licensee. 1968-69, c. 99, s. 17, *amended*.

Where
licence not
required

18. Any person who is employed as a professional engineer by a public service corporation carrying on an interprovincial undertaking or by the Government of Canada and who is by reason of his employment required to practise professional engineering in a province or territory of Canada other than that of his residence may practise professional engineering in Ontario without a licence, but he shall on demand of the council furnish satisfactory evidence that he is a member of an association of professional engineers in another province or a territory of Canada that has objects similar to those of the Association. 1968-69, c. 99, s. 18.

19.—(1) Every member shall have a seal of a design approved by the council, the impression of which shall contain the name of the engineer and the words “Registered Professional Engineer” and “Province of Ontario”.

Seals,
members

(2) Every licensee shall have a seal of a design approved by the council, the impression of which shall contain the name of the licensee and the words “Licensed Professional Engineer” and “Province of Ontario”.

Idem,
licensees

(3) All final drawings, specifications, plans, reports and other documents involving the practice of professional engineering when issued shall bear the signature and seal of the professional engineer who prepared or approved them. 1968-69, c. 99, s. 19.

Signature
and use of
seal

PARTNERSHIPS, CORPORATIONS

20.—(1) No partnership, association of persons or corporation as such shall be a member or a licensee, or shall, except as authorized by this section, practise professional engineering. 1968-69, c. 99, s. 20 (1).

Practice
prohibited
by partner-
ships and
corporations

(2) A partnership, association of persons or corporation that holds a certificate of authorization may, in its own name, practise professional engineering,

Certificates
of
authoriza-
tion

- (a) if one of its principal or customary functions is to engage in the practice of professional engineering; and
- (b) if the practice of professional engineering is done under the responsibility and supervision of a member of the partnership or association of persons, or of a director or full-time employee of the corporation, as the case may be, who,
 - (i) is a member, or
 - (ii) is a licensee, in which case the practice of professional engineering shall be restricted to the work specified in the licence of the licensee. 1968-69, c. 99, s. 20 (2), *amended*.

(3) A partnership, association of persons or corporation that desires a certificate of authorization shall submit to the registrar an application in the prescribed form containing,

Applications
for
certificates

- (a) the names and addresses of all its partners, members, officers or directors, as the case may be;
- (b) the names of all its partners, members of associations of persons, directors of corporations, or full-time employees of corporations, as the case may be, who are the members or licensees who will be in charge of professional engineering on its behalf;

- (c) from among the names specified under clause *b* the name or names of its official representative or representatives whose duty it is to ensure that this Act, and the regulations and the by-laws are complied with by the partnership, the association of persons or the corporation, as the case may be,

and shall, whenever there is a change in the particulars given in its application, give notice of the change to the registrar within thirty days after the effective date of the change.

Issue of
certificates

- (4) If subsection 3 is complied with, the registrar shall issue to the applicant a certificate of authorization.

Ipsso facto
revocation
of
certificate

- (5) Where the holder of a certificate of authorization ceases to have any official representative, the certificate is *ipso facto* revoked, and the partnership, association of persons or corporation shall not practise professional engineering until a new certificate of authorization is issued.

Reprimand
of licensee,
etc.

- (6) Where the council finds that the holder of a certificate of authorization has failed to observe any of the provisions of this section or has been guilty of conduct that would, in the case of a member or licensee, have been professional misconduct, the council may reprimand the holder or suspend or revoke the certificate of authorization.

Application
of ss. 24, 25,
26

- (7) Sections 24, 25 and 26 apply *mutatis mutandis* to the refusal to issue a certificate of authorization and to the revocation or suspension of a certificate of authorization. 1968-69, c. 99, s. 20 (3-7).

EXAMINATIONS

Board

- 21.**—(1) The council shall appoint annually a board of examiners.

Central
examining
board

- (2) The council may establish conjointly with the council of any association in one or more of the provinces or territories of Canada that has objects similar to those of the Association a central examining board and may delegate to the central examining board all or any of the powers of the council respecting the examination of candidates for admission as members, but any examinations conducted by the central examining board shall be held in at least one place in Ontario. 1968-69, c. 99, s. 21.

REGISTRAR

Registrar
to record
members,
etc.

- 22.**—(1) The registrar shall register in a system of recording approved by the council the names of the members, the licensees, the assistants to professional engineers, and the graduates and the undergraduates.

(2) The registrar shall keep the register correct and in accordance with this Act, the regulations and the by-laws.

Register to be correct

(3) The certificate of the registrar respecting the registration of a person is *prima facie* evidence of the facts certified to therein.

Evidence of membership

(4) The registrar shall send to the Lieutenant Governor in Council quarterly as of the last days of March, June, September and December in each year a report containing, with respect to the immediately preceding three-month period, the names of the persons,

Quarterly report

- (a) who have been granted partial exemption from examinations;
- (b) who have been granted no exemption from examinations;
- (c) who have been refused permission to write examinations; or
- (d) who have not been admitted to membership in the Association because,
 - (i) their experience in engineering work was not satisfactory to the council, or
 - (ii) they did not provide satisfactory evidence of good character,

giving, in each case, the reason for the decision, together with such further information and particulars with respect to such matters as the Lieutenant Governor in Council may require. 1968-69, c. 99, s. 22.

23.—(1) The registrar shall issue to each member admitted to the Association a certificate of membership signed by the president or a vice-president and by the registrar, and bearing the seal of the Association.

Certificate of membership

(2) Every member shall keep his certificate of membership prominently displayed in his place of business. 1968-69, c. 99, s. 23.

Certificate to be displayed

HEARINGS, UPON APPLICATION

24.—(1) Where an applicant for membership or a licence has met the academic and experience requirements, or an applicant for restoration of his name on the register has paid the required fees and has produced the required evidence of good character, and his application is refused, the council shall, upon the written request of the applicant received by the registrar within fifteen days of the receipt by the applicant of written notice of the refusal, conduct a hearing of the matter.

Hearing where application for membership, etc., refused

(2) Section 25 applies *mutatis mutandis* to any hearing conducted under this section except that upon any such hearing the

Conduct of hearing

council may make findings of fact by such standards of proof as are commonly relied upon by reasonable and prudent men in the conduct of their own affairs. 1968-69, c. 99, s. 24.

HEARINGS, DISCIPLINARY

Powers of
council to
discipline
members

25.—(1) Subject to subsection 2, where the council finds that a person who is a member or licensee is guilty of professional misconduct or has obtained registration as a member or has been issued a licence by reason of misrepresentation by such person, the council may by order do one or more of the following:

1. Reprimand such person and, if considered proper, direct that the fact of the reprimand be recorded on the register.
2. Suspend the membership or licence of such person for such time as the council considers proper and direct that the reinstatement of such membership or licence on the termination of such suspension be subject to such conditions, if any, as the council considers proper.
3. Direct that the imposition of any penalty be suspended or postponed for such period and upon such terms as the council considers proper and that at the end of such period and upon the compliance with such terms any penalty be remitted.
4. Direct that the membership or licence of such person be cancelled and that the name of such person be removed from the register.
5. Direct that the decision of the council be published in detail or in summary in the official journal of the Association or in such other manner or medium as the council considers appropriate in any particular case.
6. Direct that, where it appears that the proceedings were unwarranted, such costs as to the council seem just be paid by the Association to the member or licensee whose conduct was the subject of such proceedings.

Complaint
and hearing

(2) The council shall not take any action under subsection 1 unless,

- (a) a complaint under oath has been filed with the registrar and a copy thereof has been served on the person whose conduct is being investigated;
- (b) the person whose conduct is being investigated has been served with a notice of the time and place of the hearing; and
- (c) the council has heard evidence of or on behalf of the complainant and, if the person whose conduct is being

investigated appears at the hearing and so requests, has heard his evidence or evidence on his behalf and has reached the decision that he is guilty.

(3) Any person presiding at a hearing may administer oaths to witnesses and require them to give evidence under oath.

Power to take sworn evidence

(4) If the person whose conduct is being investigated fails to appear in answer to the notice at the time and place appointed, the hearing may be conducted in his absence.

Failure to appear

(5) Hearings shall be held *in camera*, but if the person whose conduct is being investigated requests otherwise by a notice in writing delivered to the registrar before the day fixed for the hearing, the council shall conduct the hearing in public or otherwise as it considers proper.

Disciplinary hearings to be held *in camera*

(6) The council may adjourn any hearing at any time and from time to time.

Adjournments

(7) A person whose conduct is being investigated, if present in person at the hearing, has the right to be represented by counsel or agent, to adduce evidence and to make submissions, and any such person may be compelled to attend and give evidence in the manner provided in subsection 10, but such person shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.

Attendance of person being investigated

R.S.O. 1970, c. 151
R.S.C. 1952, c. 307

(8) The oral evidence submitted at a hearing shall be taken down in writing or by any other method authorized by *The Evidence Act*.

Hearing of evidence

(9) The rules of evidence applicable in civil proceedings are applicable at hearings, but at a hearing members of the council may take notice of generally recognized technical or scientific facts or opinions within the specialized knowledge of members of the council if the person whose conduct is being investigated has been informed before or during the hearing of any such matters noticed and he has been given an opportunity to contest the material so noticed.

Rules of evidence

(10) The president, a vice-president, the immediate past president or the registrar may, and the registrar upon application of a person whose conduct is being investigated shall, issue a summons in the form prescribed by regulation, commanding the attendance and examination of any person as a witness, and the production of any document the production of which could be compelled at the trial of an action, to appear before the council at the time and place mentioned in the summons and stating that failure to obey the summons will render the person liable to imprisonment on an application to the Supreme Court, but the person whose attendance is required is entitled to the like conduct money and

Summons to witness

payment for expenses and loss of time as upon attendance as a witness at a trial in the Supreme Court.

Failure of
witness to
appear, etc.

(11) If any person,

- (a) on being duly summoned to appear as a witness makes default in attending; or
- (b) being in attendance as a witness refuses to take an oath legally required to be taken, or to produce any document in his power or control legally required to be produced by him, or to answer any question which he is legally required to answer; or
- (c) does any other thing which would, if the council had been a court of law having power to commit for contempt, have been contempt of that court,

the person presiding at the hearing may certify the offence of that person under his hand to the Supreme Court and the court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statements that may be offered in defence, punish or take steps for the punishment of that person in the like manner as if he had been guilty of contempt of court.

Examina-
tion and
cross-
examination

(12) At a hearing the complainant and the person whose conduct is being investigated have the right to examine the witnesses called by them respectively, and to cross-examine the witnesses opposed in interest.

Decisions

(13) The decision taken after a hearing shall be in writing and shall contain or be accompanied by the reasons for the decision in which are set out the findings of fact and the conclusions of law, if any, based thereon, and a copy of the decision and the reasons therefor, together with a notice to the person whose conduct is being investigated of his right of appeal, shall be served upon him within thirty days after the date of the decision.

Record

(14) A record shall be compiled for every hearing consisting of the complaint and the notice referred to in subsection 2, any intermediate rulings or orders made in the course of the proceedings, a transcript of the oral evidence, if a transcript has been prepared, such documentary evidence and things as were received in evidence and the decision and the reasons therefor, provided that documents and things received in evidence may be released to the persons tendering them when all appeals have been finally disposed of or the right to appeal has terminated.

Service of
documents

(15) Any document required to be served under this Act upon a person whose conduct is being investigated shall be served personally upon him, but where it appears that service cannot be effected personally, the document may be served by mailing a

copy thereof in a registered letter addressed to him at his last known residence or office address as shown by the records of the Association, and service shall be effected not less than ten days before the date of the hearing or the event or thing required to be done, as the case may be, and proof by affidavit of the service is sufficient.

(16) Where a member or licensee has been suspended from practising under this section, he may, upon payment of all fees and other costs owing by him to the Association, apply to the council to be reinstated as a member or licensee, as the case may be, and the council may terminate the suspension of such member or licensee upon such terms as it considers proper.

Reinstatement after suspension

(17) A person whose membership or licence has been cancelled under this section may apply to the council for membership or for a licence, as the case may be, and the council shall, subject to subsection 18, hear the application and make such order as it considers proper and may include as a term of any such order such conditions as the council considers proper to be fulfilled before the applicant is admitted to membership or granted a licence or to be observed by such member or licensee thereafter.

Re-admission after expulsion

(18) Except with the consent of the council, no application under subsection 17 shall be heard before the expiry of two years from the date of the cancellation of membership or licence or the date of the final disposition of any appeal.

Idem

(19) Upon a hearing for admission to membership or for the granting of a licence under subsection 17, the council shall follow, in so far as practicable, the procedure provided for in the case of a complaint under this section, and a former member or licensee has the same right of appeal from an order made by the council under subsection 17 as is provided in section 26.

Idem

(20) The council may appoint a committee to act for and on its behalf composed of not fewer than five members of the council, one of whom shall be the president, a vice-president or the immediate past president, and may delegate to the committee all or any of its powers and duties under this section upon such terms and conditions, if any, as the council considers proper, and a decision or order of the committee is the decision or order of the council.

Committee of council

(21) Except in the case of professional misconduct constituting incompetence on the part of the person whose conduct was investigated, the suspension or cancellation of the membership or licence of a person whose conduct was investigated under this section does not become effective until any appeal has been finally disposed of or the right of appeal has terminated. 1968-69, c. 99, s. 25.

Practice pending appeal

APPEAL

Appeal

26.—(1) Any person whom the council has refused to register for membership or whose name the council has refused to restore on the register or to whom the council has refused to issue a licence or who has been reprimanded or whose membership or licence is suspended or cancelled may appeal from the order of refusal, reprimand, suspension or cancellation to the Court of Appeal within fifteen days from the day upon which he is served with the order of refusal, reprimand, suspension or cancellation.

Certified
copies of
papers

(2) Upon the request of any person desiring to appeal and upon payment of the cost thereof, the registrar shall furnish such person with a certified copy of all proceedings, evidence, reports, orders and papers received as evidence by the council and any committee thereof appointed pursuant to subsection 20 of section 25 in dealing with and disposing of the matter complained of.

Failure to
pay costs

(3) If the appellant fails to pay the cost of the certified copy and the cost of such additional copies of the evidence as may be reasonably required for the purposes of the appeal within fifteen days after written demand from the registrar, the appeal shall be deemed to be abandoned.

Procedure
and record

(4) An appeal under this section shall be by motion, notice of which shall be served upon the registrar, and the record shall consist of a copy, certified by the registrar, of the proceedings before the council or committee thereof, the evidence taken, the report of the council or committee thereof and all decisions, findings and order of the council or committee thereof in the matter. 1968-69, c. 99, s. 26 (1-4).

Orders

(5) Upon the hearing of an appeal under this section, the Court of Appeal may make such order as the court considers proper or may refer the matter or any part thereof back to the council with such directions as the court considers proper.

Costs

(6) The Court of Appeal may make such order as to the costs of the appeal as the court considers proper. 1968-69, c. 99, s. 26 (6, 7).

OFFENCES

Offences,
persons

27.—(1) Every person, other than a member or a licensee, who,

- (a) takes and uses orally or otherwise the title "Professional Engineer" or "Registered Professional Engineer" or uses any addition to or abbreviation of either such titles, or any word, name or designation that will lead to the belief that he is a professional engineer, a member or a licensee or, except as permitted by section 2, uses the title or designation "engineer" in such a manner as will

lead to the belief that he is a professional engineer, a member or a licensee;

- (b) advertises, holds himself out, or conducts himself in any way or by any means as a member or a licensee; or
- (c) engages in the practice of professional engineering,

is guilty of an offence.

(2) Every person who,

Idem

- (a) wilfully procures or attempts to procure registration under this Act for himself or for another person by making, producing or causing to be made or produced any fraudulent representation or declaration either verbal or written; or
- (b) knowingly makes any false statement in any application or declaration signed or filed by him under this Act,

is guilty of an offence.

(3) Where a partnership, association of persons or corporation that has no subsisting certificate of authorization,

Offences,
partner-
ships,
associations
and
corporations

- (a) practices professional engineering;
- (b) uses orally or otherwise any name, title, description or designation that will lead to the belief that it is entitled to practice professional engineering; or
- (c) advertises, holds itself out or conducts itself in any way or in such manner as to lead to the belief that it is entitled to practise professional engineering,

every member of the partnership, every member of the association or persons, or the corporation and every director thereof, is guilty of an offence.

(4) Where a partnership, association of persons or corporation that has a subsisting certificate of authorization practises professional engineering in contravention of this Act, every member of the partnership, every member of the association of persons, or the corporation and every director thereof, is guilty of an offence.

Idem

(5) Every person, member of a partnership, member of an association of persons, and every corporation and director thereof, who is guilty of an offence under this section is on summary conviction liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

Penalties

(6) No proceedings shall be commenced for a contravention of any of the provisions of this section after two years from the date of the commission of such contravention. 1968-69, c. 99, s. 27.

Limitation
of
proceedings

LIMITATION OF ACTIONS

Limitation
of actions

28.—(1) Except as provided in subsection 2, an action against a member or a licensee for negligence or malpractice in connection with professional services requested of him or rendered by him or under his direction or control shall be commenced within and not later than twelve months after the cause of action arose.

Extension

(2) The court in which an action mentioned in subsection 1 has been or may be brought may extend the period of limitation specified therein either before or after it has expired if the court is satisfied that to do so is just.

Does not
apply to
disciplinary
proceedings

(3) This section does not apply to proceedings under section 25. 1968-69, c. 99, s. 28.

TRANSITIONAL PROVISION

Appointed
members

29. Notwithstanding subsection 5 of section 4, all councillors appointed by the Lieutenant Governor in Council holding office on the 1st day of August, 1969 shall continue to hold office for the term designated in the order in council by which they were appointed. 1968-69, c. 99, s. 29 (3), *amended*.

CHAPTER 367

The Property and Civil Rights Act

1. In all matters of controversy relative to property and civil rights, resort shall be had to the laws of England as they stood on the 15th day of October, 1792, as the rule for the decision of the same, and all matters relative to testimony and legal proof in the investigation of fact and the forms thereof in the courts of Ontario shall be regulated by the rules of evidence established in England, as they existed on that day, except so far as such laws and rules have been since repealed, altered, varied, modified or affected by any Act of the Imperial Parliament, still having the force of law in Ontario, or by any Act of the late Province of Upper Canada, or of the Province of Canada, or of the Province of Ontario, still having the force of law in Ontario. R.S.O. 1960, c. 310, s. 1.

Rule of
decision

CHAPTER 368

The Provincial Auctioneers Act

1.—(1) The Minister of Agriculture and Food may grant to any person, who in his opinion possesses special qualifications, a licence to sell pure-bred live stock only, by public auction in Ontario. Provincial licence

(2) Any person who resides in Ontario shall pay a fee of \$50, and any person who does not reside in Ontario shall pay a fee of \$100, for a licence under this Act. R.S.O. 1960, c. 312, s. 1, *amended*. Fee

2. A licence under this Act remains in force only during the calendar year of its issue. R.S.O. 1960, c. 312, s. 2. Term of licence

3. A person holding a licence under this Act shall not be required to take out an auctioneer's licence in any municipality for the sale of pure-bred live stock. R.S.O. 1960, c. 312, s. 3. Municipal licence not required

4. The Minister of Agriculture and Food may revoke any licence under this Act at any time for any cause appearing to him sufficient. R.S.O. 1960, c. 312, s. 4. Revocation of licence

CHAPTER 369

The Provincial Courts Act

1. In this Act,

Interpre-
tation

- (a) “judge” means a provincial judge appointed under this Act;
- (b) “Judicial Council” means the Judicial Council for Provincial Judges referred to in section 7;
- (c) “Minister” means the Minister of Justice and Attorney General. 1968, c. 103, s. 1, *amended*.

PART I

PROVINCIAL JUDGES

2. The Lieutenant Governor in Council on the recommendation of the Minister may appoint such provincial judges as he considers necessary. 1968, c. 103, s. 2.

Appoint-
ment of
judges

3.—(1) Every judge shall take and subscribe the following Oath of oath before a chief judge or a judge designated by him:

I,
do swear that I will truly and faithfully, according to my skill and knowledge, execute the several duties, powers and trusts of the Provincial Courts, so help me God.

and also the oath of allegiance as required by *The Public Officers Act*.

R.S.O. 1970,
c. 382

(2) The oath of office and oath of allegiance shall be transmitted forthwith to the Inspector of Legal Offices and shall be filed in his office. 1968, c. 103, s. 3.

Filing of
oaths

4.—(1) A judge may be removed from office before attaining retirement age only for misbehaviour or for inability to perform his duties properly and only if,

Removal
for cause

- (a) the circumstances respecting the misbehaviour or inability are first inquired into; and
- (b) the judge is given reasonable notice of the time and place for the inquiry and is afforded an opportunity, by himself or his counsel, of being heard and of cross-examining the witnesses and of producing evidence on his own behalf.

- Inquiry (2) For the purpose of making an inquiry under subsection 1, the Lieutenant Governor in Council may appoint one or more judges of the Supreme Court who shall make the inquiry and report thereon, and a judge so appointed has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.
- R.S.O. 1970,
c. 379
- Order for removal (3) An order removing a judge from office under this section may be made by the Lieutenant Governor in Council and the order and the report of the inquiry shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next ensuing session. 1968, c. 103, s. 4.
- Retirement **5.**—(1) Every judge shall retire upon attaining the age of sixty-five years. 1968, c. 103, s. 5 (1).
- Idem (2) Notwithstanding subsection 1, a judge appointed as a full-time magistrate after the 1st day of July, 1941 and before the 2nd day of December, 1968 shall retire upon attaining the age of seventy years. 1968, c. 103, s. 5 (2), *amended*.
- Idem (3) Notwithstanding subsection 1, a judge appointed as a full-time magistrate on or before the 1st day of July, 1941, shall retire upon attaining the age of seventy-five years.
- Reappointment (4) Upon attaining an age for retirement under subsection 1 or 2, a judge may be reappointed to hold office during pleasure but shall not hold office after attaining the age of seventy-five years. 1968, c. 103, s. 5 (3, 4).
- Resignation **6.** A judge may at any time resign his office in writing, signed by him and delivered to the Minister. 1968, c. 103, s. 7.
- Judicial Council **7.**—(1) The Judicial Council for Provincial Judges is continued and shall be composed of,
- (a) the Chief Justice of Ontario, who shall be chairman;
 - (b) the Chief Justice of the High Court;
 - (c) the chief judge of the Provincial Courts (Criminal Division);
 - (d) the chief judge of the Provincial Courts (Family Division);
 - (e) the Treasurer of the Law Society of Upper Canada; and
 - (f) not more than two other persons appointed by the Lieutenant Governor in Council. 1968, c. 103, s. 7 (1); 1970, c. 38, s. 1, *amended*.
- Staff (2) Such officers and employees of the Judicial Council as are considered necessary shall be appointed under *The Public Service Act*.
- R.S.O. 1970,
c. 386

(3) A majority of members of the Judicial Council constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Judicial Council. 1968, c. 103, s. 7 (2, 3).

Quorum

8.—(1) The functions of the Judicial Council are,

Functions

- (a) at the request of the Minister, to consider the proposed appointments of provincial judges and make a report thereon to the Minister;
- (b) to receive complaints respecting the misbehaviour of or neglect of duty by judges or the inability of judges to perform their duties; and
- (c) to take such action to investigate complaints as it considers advisable including the review thereof with the judge where appropriate, and to make such recommendations to the Minister with respect thereto as it sees fit.

(2) The chairman may transmit such complaints as he considers appropriate to the chief judge of the Provincial Courts (Criminal Division) or the chief judge of the Provincial Courts (Family Division).

Transmission to chief judge

(3) The Judicial Council may recommend to the Lieutenant Governor in Council that an inquiry be held under section 4.

Recommendation of inquiry

(4) The proceedings of the Judicial Council shall not be public, but it may inform and advise the Minister respecting matters that it has investigated or reviewed.

Advising Minister

(5) The Judicial Council has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Powers R.S.O. 1970, c. 379

(6) No action or other proceeding for damages shall be instituted against the Judicial Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his duty. 1970, c. 38, s. 2.

Liability for damages

9.—(1) Every judge has jurisdiction throughout Ontario and,

Jurisdiction

- (a) shall exercise all the powers and perform all the duties conferred or imposed upon a provincial judge by or under any Act of the Legislature or of the Parliament of Canada;
- (b) has all the power and authority vested by or under any Act of the Legislature in a magistrate, two justices of the peace sitting together or a juvenile and family court or a judge thereof;
- (c) subject to subsection 2, may exercise all the powers and perform all the duties conferred or imposed upon a

magistrate, provincial magistrate or one or more justices of the peace under any Act of the Parliament of Canada;

- (d) is *ex officio* a justice of the peace and commissioner for taking affidavits. 1968, c. 103, s. 9 (1).

Idem

1953-54,
c. 51 (Can.)

(2) A judge shall not exercise the powers or perform the duties conferred or imposed upon a magistrate under Part XVI of the *Criminal Code* (Canada) unless,

- (a) he is or has been a member of the bar of one of the provinces of Canada;
- (b) he has acted as a provincial judge for a period of five years; or
- (c) he was acting as a full-time deputy magistrate, magistrate or judge of the juvenile and family court immediately before the 2nd day of December, 1968.

and he is so designated by the Lieutenant Governor in Council. 1968, c. 103, s. 9 (2); 1970, c. 38, s. 3, *amended*.

Chief
Judge

10.—(1) The Lieutenant Governor in Council may appoint a judge as chief judge of the provincial courts (criminal division) and a judge as chief judge of the provincial courts (family division).

Alternates

(2) The Minister may designate judges to act in the place of a chief judge for all purposes during his illness or absence.

Duties

(3) Each chief judge shall have general supervision and direction over arranging the sittings of his courts and assigning judges for hearings in his courts, as circumstances require.

Idem

(4) In the arrangement of the courts and the assignment of judges thereto, regard shall be had to,

- (a) the desirability of rotating the judges; and
- (b) the greater volume of judicial work in certain of the counties and districts. 1968, c. 103, s. 10.

Senior
Judges

11. The Minister may designate a judge to be senior judge of such provincial courts (criminal division) or provincial courts (family division), or both, as are named in the designation. 1968, c. 103, s. 11.

Other
employment

12.—(1) Subject to subsection 2, unless authorized by the Lieutenant Governor in Council, a judge shall not practise or actively engage in any business, trade or occupation but shall devote his whole time to the performance of his duties as a judge.

(2) A judge, with the previous consent of the Minister, may act Idem as arbitrator, conciliator or member of a police commission. 1968, c. 103, s. 12.

13. *The Public Authorities Protection Act* applies to judges in the same manner and to the same extent as it applies to justices of the peace, without limiting any other defences available to judges under the law in respect of acts done in the execution of their duties. 1968, c. 103, s. 13. Application of R.S.O. 1970, c. 374

PART II

PROVINCIAL COURTS (CRIMINAL DIVISION)

14. There shall be in and for every county and district a court of record to be styled, Provincial courts (criminal division)

- (a) in counties, the “Provincial Court (Criminal Division) of the County (*or* Judicial District *or* United Counties) of (*naming the county etc.*)”;
- (b) in districts, the “Provincial Court (Criminal Division) of the District of (*naming the district*)”,

presided over by a judge. 1968, c. 103, s. 14, *amended*.

15. A judge shall exercise the powers and perform the duties vested in him as a magistrate, provincial magistrate or one or more justices of the peace under section 9 sitting in a provincial court (criminal division). 1968, c. 103, s. 15. Judges preside

16. The judges of the provincial court (criminal division) of each county or district may hold sittings at any place in the county or district designated by the chief judge of the provincial courts (criminal division). 1968, c. 103, s. 16. Sittings

PART III

PROVINCIAL COURTS (FAMILY DIVISION)

17.—(1) There shall be in and for every county and district a court of record to be styled, Provincial courts (family division)

- (a) in counties, the “Provincial Court (Family Division) of the County (*or* Judicial District *or* United Counties) of (*naming the county etc.*)”;
- (b) in districts, the “Provincial Court (Family Division) of the District of (*naming the district*)”,

presided over by a judge.

- Jurisdiction (2) Each provincial court (family division),
- R.S.C. 1952,
c. 160
- (a) is a juvenile court for the purpose of dealing with juvenile delinquents so soon as the *Juvenile Delinquents Act* (Canada) is proclaimed in force in the county or district for which it was established, and such court has all the powers vested in a juvenile court under that Act;
 - (b) has power to try any child charged with an offence against the laws of Ontario; and
 - (c) has power to deal with all cases where jurisdiction is conferred by any Act upon a juvenile court or a judge thereof or upon a juvenile and family court or a judge thereof or upon a provincial court (family division). 1968, c. 103, s. 17, *amended*.
- Judge presides **18.** A judge shall exercise the powers and perform the duties vested in him as a judge of the juvenile and family court under section 9 sitting in a provincial court (family division). 1968, c. 103, s. 18.
- Sittings **19.** The judges of the provincial court (family division) of each county or district may hold sittings at any place in the county or district designated by the chief judge of the provincial courts (family division). 1968, c. 103, s. 19.
- Control of officers and staff **20.** The officers and members of the staff of a provincial court (family division) shall act in accordance with the directions of the presiding judge of the court. 1968, c. 103, s. 20.
- Detention and observation home **21.**—(1) A detention and observation home may be established, maintained and operated as a part of a provincial court (family division).
- Status (2) The superintendent and assistant superintendent of a detention and observation home shall be deemed to be officers of the court of which the home is a part. 1968, c. 103, s. 21.
- Detention homes **22.** The Minister may declare any place, house, home or institution a detention home within the meaning of the *Juvenile Delinquents Act* (Canada). 1968, c. 103, s. 22.
- Diagnostic clinic **23.**—(1) A diagnostic clinic may be established, maintained and operated as part of a provincial court (family division).
- Professional persons status (2) Professional persons appointed for the purposes of a diagnostic clinic shall be deemed to be officers of the court of which the clinic is a part. 1968, c. 103, s. 23.
- Powers of probation officers **24.** Every probation officer appointed for a provincial court (family division) has, while acting in the discharge of his duties, all the powers of a police constable. 1968, c. 103, s. 24.

25.—(1) A person entitled to alimony or maintenance under a judgment or order of the Supreme Court or a surrogate court may file a copy of the judgment or order in the provincial court (family division) having jurisdiction where the person ordered to pay the alimony or maintenance resides, and, when so filed, it shall be enforced in the same manner as an order made in that court under *The Deserted Wives' and Children's Maintenance Act*.

Alimony and maintenance orders

R.S.O. 1970, c. 128

(2) A person entitled to maintenance under a judgment or order of the Supreme Court or a surrogate court within the meaning of subsection 1 includes a child entitled to maintenance under the judgment or order. 1968, c. 103, s. 25.

Interpretation

26.—(1) The Rules Committee of the Provincial Courts (Family Division) is established and shall be composed of such members as are appointed by the Lieutenant Governor in Council who shall designate one of the members as chairman.

Rules of procedure

(2) A majority of the members of the Rules Committee constitutes a quorum.

Quorum

(3) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Provincial Courts (Family Division) may make rules regulating any matters relating to the practice and procedure of the courts, including, without limiting the generality of the foregoing,

Rules

- (a) regulating the duties of officers of the courts;
- (b) regulating the costs of proceedings in the courts;
- (c) prescribing and regulating the proceedings under any Act that confers jurisdiction upon the courts or a judge sitting therein;
- (d) governing the payment, transfer or deposit into, or in, or out of, any court of any money or property, or to the dealing therewith;
- (e) allowing for service out of Ontario.

(4) Where provisions in respect of practice or procedure are contained in any Act, rules may be made adding to or modifying such provisions to any extent that is considered necessary for the equitable despatch of the business of the court unless that power is expressly excluded. 1968, c. 103, s. 26.

Idem

PART IV

GENERAL

27.—(1) There shall be a clerk for each provincial court (criminal division) and each provincial court (family division) who shall act under the direction and supervision of the judge.

Clerk

Officers and
employees
R.S.O. 1970,
c. 386

(2) Such officers, clerks and employees as are considered necessary shall be appointed for provincial courts under *The Public Service Act*. 1968, c. 103, s. 27.

Regulations

28.—(1) The Lieutenant Governor in Council may make regulations,

- (a) specifying the returns to be made by judges and chief judges;
- (b) providing for the safe-keeping, inspection and destruction of books, documents and papers of provincial courts and judges;
- (c) fixing the remuneration of judges;
- (d) providing for the benefits to which judges are entitled, including,
 - (i) leave of absence and vacations,
 - (ii) sick leave credits and payments in respect of such credits,
 - (iii) pension benefits for judges and their widows and surviving children,

and for the transfer or other disposition of benefits in respect thereof to which persons appointed as judges under this Act were entitled under *The Public Service Act* or *The Public Service Superannuation Act* at the time of their appointment under this Act;

- (e) providing for the appointment and employment of stenographic reporters to take down evidence before judges, and fixing their fees, expenses and other forms of remuneration;
- (f) prescribing the duties of chief judges;
- (g) prescribing the functions of and providing for the management of detention and observation homes, detention homes, and diagnostic clinics under this Act;
- (h) prescribing the duties of the officers and employees of the staffs of provincial courts or of any class of such officers or members;
- (i) providing for a system of statistical records relating to provincial courts;
- (j) respecting any matter considered necessary or advisable to carry out effectively the intent and purpose of this Act.

R.S.O. 1970,
cc. 386, 387

Idem

(2) Any regulation made under subsection 1 may be general or particular in its application. 1968, c. 103, s. 28.

CHAPTER 370

The Provincial Land Tax Act**1. In this Act,**Interpre-
tation

- (a) “collector” means the Land Tax Collector appointed under this Act;
- (b) “Department” means the Department of Lands and Forests;
- (c) “Deputy Minister” means the Deputy Minister of Lands and Forests;
- (d) “land” includes,
 - (i) land covered with water,
 - (ii) all trees and underwood growing upon land,
 - (iii) all mines, minerals, gas, oil, salt quarries, and fossils, in and under land,
 - (iv) all buildings, or any part of any building, and all structures, machinery and fixtures erected or placed upon, in, over, under or affixed to land,
 - (v) all structures and fixtures erected or placed upon, in, over, under or affixed to a highway, lane or other public communication or water, but not the rolling stock of a transportation system,
 - (vi) the interest in land of a tenant or occupant,
 - (vii) the interest of the holder of any licence, concession or contract under which there has been acquired from the Crown any right to be exercised in respect of, or over, or upon land;
- (e) “Minister” means the Minister of Lands and Forests;
- (f) “officer” means a person who has powers or duties with respect to the administration of this Act;
- (g) “owner” includes a tenant or occupant and any person owning or enjoying an interest in land and the holder of any licence, concession or contract under which there had been acquired from the Crown any right to be exercised in respect of, or over, or upon land;
- (h) “person” includes a partnership, a body corporate or politic, a bridge authority, an agent or trustee, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

- (i) "pipe line" means every pipe forming part of any system for the purpose of the transportation or transmission or distribution by pipe line of crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or any mixture or combination of the foregoing and includes,
 - (i) all valves, regulators, couplings, cathodic protection apparatus, protective coatings, casings, curb-boxes, meters, and all incidental fastenings, attachments, appliances, apparatus and appurtenances,
 - (ii) all haulage, labour, engineering and overheads in respect of any such pipe line,
 - (iii) any section, part or branch of any such pipe line,
 - (iv) any easement or right of way used by a pipe line company, and
 - (v) any franchise or franchise right,
 and such other pipe lines as are prescribed, but does not include a pipe line or lines situate wholly within an oil refinery, oil storage depot, oil bulk plant or oil pipe line terminal;
- (j) "pipe line company" means a person, firm, partnership, association or corporation owning, controlling or operating a pipe line, all or any part of which is situate in Ontario;
- (k) "prescribed" means prescribed in the regulations made under this Act;
- (l) "register" means the Provincial Land Tax Register;
- (m) "telegraph company" means a person, firm, partnership, association or corporation owning, controlling or operating a telegraph system or line, all or any part of which is situate in Ontario;
- (n) "telephone company" means a person, firm partnership, association or corporation owning, controlling or operating a telephone system or line, all or any part of which is situate in Ontario. 1961-62, c. 111, s. 1.

ADMINISTRATION

Land Tax
Collector

2. There shall be an officer known as the Land Tax Collector and such other officers as are considered necessary for the administration of this Act. 1961-62, c. 111, s. 2.

LIABILITY TO TAX, EXEMPTIONS

Land
assessable
and taxable,
exemptions

3.—(1) All land situate in territory without municipal organization is liable to assessment and taxation under this Act, subject to the following exemptions from taxation:

1. Land belonging to Canada or any province of Canada. Lands of Canada, etc.
2. Land held in trust for a band or body of Indians, but not if occupied by a person who is not a member of a band or body of Indians. Indian lands
3. Every place of worship and land used in connection therewith, every churchyard, and every cemetery or burying ground that is enclosed and actually and *bona fide* required, used and occupied for the interment of the dead, but not land rented or leased to a church or religious organization by a person other than another church or religious organization. Churches, etc.
4. The buildings and grounds of and attached to or otherwise *bona fide* used in connection with and for the purpose of a university, high school, public or separate school or other educational institution supported in whole or in part by Provincial moneys, whether vested in a trustee or otherwise, only so long as such buildings and grounds are actually used and occupied by such institution. Public educational institutions
5. The buildings and grounds of and attached to or otherwise *bona fide* used in connection with and for the purposes of a seminary of learning maintained for philanthropic or religious purposes, the whole profits from which are devoted or applied to such purposes, only so long as such buildings and grounds are actually used and occupied by such seminary. Philanthropic or religious seminaries
6. The buildings and grounds not exceeding in the whole fifty acres of and attached to or otherwise *bona fide* used in connection with and for the purposes of a seminary of learning maintained for educational purposes, the whole profits from which are devoted or applied to such purposes, only so long as such buildings and grounds are actually used and occupied by such seminary, but such exemption does not extend to include any part of the land of such a seminary that is used for farming or agricultural pursuits and is worked on shares with any other person, or if the annual or other crops, or any part thereof, from such land are sold. Educational seminaries
7. Land owned, occupied and used exclusively by The Boy Scouts Association or The Canadian Girl Guides Association or by any provincial or local association or other local group in Ontario that is a member of either of such associations or is otherwise chartered or officially recognized by either of them. Boy Scouts and Girl Guides
8. Land owned, occupied and used exclusively by an incorporated charitable institution organized for the Charitable institutions

relief of the poor, The Canadian Red Cross Society, St. John Ambulance Association, or any similar incorporated institution conducted on philanthropic principles and not for the purpose of profit or gain, that is supported, in part at least, by public moneys.

Agricultural
societies
R.S.O. 1970,
c. 15
Machinery

9. Land owned by an agricultural society under *The Agricultural Societies Act*.

10. All machinery and equipment used for manufacturing or farming purposes, including the foundations on which they rest, but not including machinery and equipment to the extent that it is used, intended or required for lighting, heating or other building purposes, or machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service.

Mining lands
R.S.O. 1970,
c. 274

11. Subject to subsection 2, land that is liable for the acreage tax under *The Mining Act*.

Mining
buildings
etc.

12. All buildings, improvements, substructures, superstructures, machinery and fixtures erected, made or installed in or on any land for mining purposes.

Timber
licensees
R.S.O. 1970,
c. 102

13. The right of a licensee under *The Crown Timber Act* to cut timber under his licence.

Railways

14. The telephone and telegraph plant, poles and wires of a railway company that are used exclusively in the running of trains or for any other purpose of a railway, but not for commercial purposes, and the structures, substructures, superstructures, rails, ties and other property on railway lands that are used exclusively for railway purposes or incidental thereto, except stations, freight sheds, offices, warehouses, elevators, hotels, round-houses and machine, repair or other shops.

Further
exemptions

15. Land of a designated class that is declared by the Lieutenant Governor in Council to be exempt wholly or partially from taxation under this Act.

Community
centres

16. The buildings and grounds of an athletics field, an outdoor swimming pool, an outdoor skating rink or a

community hall owned by a board as defined in *The Schools Administration Act* and having jurisdiction only in territory without municipal organization and in respect of which a grant has been made under *The Community Centres Act*. 1961-62, c. 111, s. 3 (1); 1970, c. 116, s. 1. R.S.O. 1970,
cc. 424, 73

(2) Paragraph 11 of subsection 1 does not apply where the land or any part of it, Exception

- (a) is used for a purpose other than mining, or, if used for mining purposes, is also used for any other purpose; or
- (b) is land upon which there is timber, other than Crown timber, and the average value of such timber is more than \$2 an acre. 1961-62, c. 111, s. 3 (2).

ASSESSMENT

4.—(1) The assessed value to be placed upon land for the purposes of this Act is the price that it might be expected to bring if offered for sale in the open market by a person who is solvent. Valuation
of land

(2) Subject to section 10, where an easement is appurtenant to land situate in territory without municipal organization, the easement shall be assessed in connection with and as part of the land at the added value it gives to the land as the dominant tenement, and the assessment of the land that, as the servient tenement, is subject to the easement shall be reduced accordingly. Easements

(3) A restrictive covenant running with land shall be deemed to be an easement within the meaning of subsection 2. Restrictive
covenant

(4) Where land is laid out and used as a lane and is subject to a right of way, its value shall be apportioned among the various parcels to which the right of way is appurtenant and shall be included in the assessment of such parcels. 1961-62, c. 111, s. 4. Lane used
as right of
way

5.—(1) Every assessment made under the predecessor of this Act or under this Act continues in effect until varied by re-assessment or appeal as hereinafter provided. Existing
assessments

(2) The collector may at any time assess or amend the assessment of any land liable to assessment and taxation under this Act and shall forthwith notify the owner of the land of the assessment or the amendment. 1961-62, c. 111, s. 5. Amendment
of
assessment

6. The collector shall keep a Provincial Land Tax Register in which shall be entered the name and address of every owner of land to which this Act applies, the amount of the assessment of the land and such other particulars as the collector deems requisite. 1961-62, c. 111, s. 6. Provincial
Land Tax
Register

Right
to search
registry and
land titles
offices

7. The collector or any other officer may, in the performance of his duties under this Act, search and inspect books, plans and documents in registry offices and land titles offices, and no charge shall be made by and no fee is payable to a registrar of deeds or a master of titles for any such search or inspection. 1961-62, c. 111, s. 7, *amended*.

Right of
access

8.—(1) The collector, any other officer and the judge of the county or district court may, in the performance of their duties under this Act, enter into or upon land situate in territory without municipal organization and shall at all reasonable times and upon reasonable request be given free access for the purposes of this Act to all such land and to all parts of every building, structure, machinery and fixture erected or placed upon, in, over, under or affixed to such land.

Information

(2) Every adult person present on land when any person referred to in subsection 1 visits the land in the performance of his duties shall upon request give to such person all the information in his knowledge that will assist such person in the performance of his duties under this Act. 1961-62, c. 111, s. 8.

Statement
of owner
hereafter
acquiring
land

9.—(1) Every person who becomes the owner of land situate in territory without municipal organization shall, within thirty days of becoming the owner of such land, notify the collector in writing giving his name and address, the name and address of the previous owner, a description of the land acquired, the purchase price paid where the land was purchased, or the rent paid where the land is rented, or the fee paid where the land is held under a licence.

Notice of
improve-
ments

(2) Upon the erection or the placing upon, in, over, under or the affixing to land situate in territory without municipal organization of any building, structure, machinery, fixture or other improvement, the owner shall forthwith notify the collector in writing thereof.

Return

(3) The collector may at any time mail a form of return in the prescribed form to any owner of land to which this Act applies, and such owner shall complete and return it within thirty days from the date of mailing by the collector. 1961-62, c. 111, s. 9.

PIPE LINES

Assessment
and
taxation of
pipe lines

10.—(1) For the purpose of the tax under this Act, a pipe line or any part thereof situate in territory without municipal organization shall be deemed to be land to which this Act applies.

Rates

(2) Notwithstanding any other provision of this Act but subject to subsection 3, a pipe line shall be assessed for taxation purposes at the following rates:

Size of Pipe		Assessment per Foot of Length
$\frac{3}{4}$ "	Nominal inside diameter	\$.07
1"	" " "	.09
$1\frac{1}{4}$ "	" " "	.11
$1\frac{1}{2}$ "	" " "	.13
2" and $2\frac{1}{2}$ "	" " "	.17
3"	" " "	.46
4" and $4\frac{1}{2}$ "	" " "	.55
5" and $5\frac{5}{8}$ "	" " "	.83
6" and $6\frac{3}{8}$ "	" " "	.98
8"	" " "	1.24
10"	" " "	1.55
12"	" " "	2.31

Size of Pipe		Assessment per Foot of Length
14"	Outside diameter	\$ 2.34
16"	" " "	2.35
18"	" " "	2.67
20"	" " "	2.96
22"	" " "	3.25
24"	" " "	3.56
26"	" " "	3.69
28"	" " "	3.85
30"	" " "	4.03
32"	" " "	4.24
34"	" " "	4.46
36"	" " "	4.72

(3) A pipe line installed before 1940 shall be assessed for taxation at the rates set forth in subsection 2 but shall be depreciated up to the year 1940 at the rate of 2 per cent per annum of the assessed value of the pipe line, with a maximum depreciation of 50 per cent.

Pipe lines
installed
before 1940

(4) A pipe line installed during or after 1940 shall be assessed for taxation at the rates set forth in subsection 2, with no allowance for depreciation.

Pipe lines
installed
after 1939

(5) A pipe line removed from one location and re-installed in another location shall, where depreciation is applicable, continue to be depreciated in accordance with subsection 3 as though remaining in its original location.

Pipe lines
removed and
installed in
another
location

(6) A pipe line that has been abandoned in any year ceases to be liable for the tax effective with the year next following the year in which the pipe line was abandoned.

Pipe lines
abandoned

(7) Where a pipe line is located on, in, under, along or across a highway or any lands exempt from taxation under this or any special or general Act, the pipe line is nevertheless liable to assessment and taxation in accordance with this section.

Liability to
tax on pipe
line on
exempt land

Pipe lines on
boundaries

(8) Where a pipe line is placed on the boundary between land situate in territory without municipal organization and land situate in territory with municipal organization, or so near thereto as to be in some places on one side and in other places on the other side of the boundary line, such pipe line shall be assessed as if half of it were situate entirely within the former and half of it were situate entirely within the latter.

Valuation
of land
occupied
by pipe
line

(9) Land that is liable to the tax under this Act shall not have a lesser or greater assessment by reason of there being a pipe line located on, in, under, along or across it, nor shall it have a lesser or greater assessment by reason of the abandonment of the pipe line. 1961-62, c. 111, s. 10.

TELEPHONE AND TELEGRAPH LINES

Assessment
and taxation
of telephone
and
telegraph
lines

11.—(1) For the purpose of the tax under this Act, a telephone line or part thereof, or a telegraph line or part thereof, situate in territory without municipal organization shall be deemed to be land to which this Act applies.

Assessment
of telephone
lines

(2) Notwithstanding any other provision of this Act and subject to subsections 3 and 6, a telephone line or part thereof shall be assessed for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including such poles, structures and conduits, and in use on the 31st day of December next preceding the year for which the tax is payable, at the rate of \$135 per mile, and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use on such 31st day of December, at the rate of \$7.50 per mile.

Idem

(3) Where a telephone company does not operate generally throughout Ontario and is not authorized by statute to carry on business throughout Ontario, notwithstanding any other provision of this Act but subject to subsection 6, its telephone lines shall be assessed for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including such poles, structures and conduits, and in use by the company on the 31st day of December next preceding the year for which the tax is payable, at the rate of \$50 per mile, and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use by the company on such 31st day of December, at the rate of \$7.50 per mile.

Computa-
tion of
length of
circuit

(4) In computing the length of telephone circuits placed or strung on poles or other structures or in conduits,

- (a) a circuit that does not exceed twenty-five miles in length that is not used as a connecting circuit between two or more central exchange switchboards shall not be included; and

- (b) every circuit regardless of its length that connects two or more central exchange switchboards shall be included.

(5) Notwithstanding any other provision of this Act but subject to subsection 6, a telegraph line or part thereof shall be assessed a sum equal to \$40 for every mile of length of one wire placed or strung on the poles or other structures or in conduits in use on the 31st day of December next preceding the year for which the tax is payable, and a sum equal to \$5 per mile for each additional wire so placed or strung on such 31st day of December.

Assessment
of telegraph
lines

(6) Notwithstanding any other provision of this Act, the telephone and telegraph plant, poles and wires of a railway company that are used in whole or in part for commercial purposes shall be assessed at \$5 per mile in the manner herein-before mentioned.

Telegraph
and tele-
phone plant
of railways

(7) In the computation of the length of telegraph wires and additional wires, the wires of all branch and loop lines that do not exceed twenty-five miles shall not be included.

Measure-
ment of
wires

(8) In the measurement of such additional wires or circuits, the length of every telegraph wire and every telephone circuit placed or strung in cables or other combinations, and used or capable of being used as an independent means of conveying messages, shall be computed.

Idem

(9) Where the poles, structures, conduits or wires of a telegraph or telephone company are placed on the boundary between land situate in territory without municipal organization and land situate territory with municipal organization, or so near thereto as to be in some places on one side and in other places on the other side of the boundary line, such poles, structures, conduits or wires shall be assessed as if half of them were situate entirely within the former and half of them were situate entirely within the latter.

Poles and
wires on
boundary of
land to
which this
Act applies

(10) On request of the collector, a telegraph or telephone company shall, in respect of its wires and circuits in territory without municipal organization, make a return to the collector showing the information required to be furnished to the assessment commissioner or clerk of a township under subsection 2 of section 9 of *The Assessment Act*. 1961-62, c. 111, s. 11.

Returns

R.S.O. 1970,
c. 32

RAILWAYS

12.—(1) On request of the collector, a railway company shall, in respect of its land in territory without municipal organization, make a return to the collector showing the information required to be furnished to the assessment commissioner or clerk of a township under subsection 1 of section 38 of *The Assessment Act*.

Returns

(2) Notwithstanding any other provision of this Act but subject to paragraph 14 of subsection 1 of section 3,

Assessment
of railway
lands

- (a) the roadway or right of way of a railway company shall be assessed at the actual value thereof according to the average value of land in the locality;
- (b) the vacant land of a railway company shall be assessed at its value as other vacant lands are assessed under this Act;
- (c) the structures, substructures, superstructures, rails, ties, poles and other property belonging to or used by a company (not including rolling stock and not including tunnels or bridges in, over, under or forming part of any highway) upon, in, over, under or affixed to any highway, street or road (not being a highway, street or road merely crossed by the line of railway) at their actual cash value as they would be appraised upon a sale to another company possessing similar powers, rights and franchises, regard being had to all circumstances adversely affecting the value, including the non-user of such property; and
- (d) the land of a railway company not designated in clauses *a*, *b* and *c* in actual use and occupation by the company shall be assessed at its actual cash value as it would be appraised upon a sale to another company possessing similar powers, rights and franchises. 1961-62, c. 111, s. 12.

PUBLIC UTILITIES

Interpre-
tation
R.S.O. 1970,
c. 118

13.—(1) In this section, “public utility” means a public utility as defined in *The Department of Municipal Affairs Act* and includes parking facilities on land owned by a municipal corporation or by a municipal parking authority established under any general or special Act.

Idem

(2) Notwithstanding any other provision of this Act, the land, other than buildings, fixtures and structures, of a public utility shall be assessed at the actual value thereof according to the average value of land in the locality, and there shall be no assessment of machinery whether fixed or not nor of the foundation on which it rests. 1961-62, c. 111, s. 13.

MINIMUM ASSESSMENT OF LAND

Interpre-
tation

14.—(1) In this section “land” has the meaning given to it by section 1, but does not include buildings, fixtures, machinery or structures erected or placed upon, in, over or under the land or affixed thereto.

Minimum
assessment
of land

(2) Notwithstanding subsection 1 of section 4 and subject to subsection 3, land shall be assessed at not less than \$4 an acre or part of an acre.

(3) Notwithstanding subsection 1 of section 4, land that is rock barrens, muskeg or covered with water shall be assessed at not less than \$2 an acre or part of an acre. 1961-62, c. 111, s. 14. Idem

ASSESSMENT APPEALS

15.—(1) Any person complaining of,

Complaints

- (a) an error or omission in regard to himself as having been,
 - (i) wrongly inserted in or omitted from the register, or
 - (ii) under-assessed or over-assessed by the collector in the register; or
- (b) the apportionment of arrears of tax made by the collector under section 32,

may personally or by his agent make a complaint in the prescribed form to the collector. 1966, c. 121, s. 1.

(2) The complaint shall be made to the collector on or before the 1st day of May in the year of the triennial sitting of the judge of the county or district court as hereinafter provided. 1961-62, c. 111, s. 15 (2). Time for complaint

16. Where a complaint is made to the collector within the time limited by subsection 2 of section 15 and remains unresolved, the collector shall, at least fifteen days before the date of the hearing of the complaint, notify the person who has made the complaint of the time and place at which a judge of the county or district court will sit for the purpose of hearing such complaint. 1961-62, c. 111, s. 16. Notice of hearing of complaints

17.—(1) For the purpose of hearing unresolved complaints, a judge of the county or district court of the county or district in which the land is situate shall sit, Triennial sittings

- (a) in the territorial districts of Kenora, Rainy River, and Thunder Bay in the year 1971 and in every third year thereafter;
- (b) in the territorial districts of Algoma, Cochrane, Sudbury, and Timiskaming in the year 1972 and in every third year thereafter; and
- (c) in the parts of Ontario not mentioned in clauses *a* and *b* in the year 1973 and in every third year thereafter.

(2) Notwithstanding subsection 1, where in the opinion of the Minister unusual or special circumstances require it, an unresolved complaint made under section 15 may, subject to section 16, be heard at any time at a special sitting. 1961-62, c. 111, s. 17. Special sittings

Hearing

18.—(1) The judge shall attend at the time and place arranged by the judge and the collector for the hearing of unresolved complaints, but, if the complaints have been resolved, the sitting may be cancelled.

Where complainant appears

(2) The judge, after hearing the complainant and the collector or his agent and any evidence adduced, shall confirm, decrease or increase the assessment for the year in which the complaint was made and for each year thereafter up to and including the year in which the appeal is heard.

Failure of complainant to appear

(3) Where a complainant who has been notified of the time and place of the sitting under section 16 fails to appear at the sitting, the judge may dismiss the complaint.

Finality of decision

(4) The assessment as determined by the judge is final and binding and is not open to question or dispute in any action or proceeding or otherwise. 1961-62, c. 111, s. 18.

Powers of judge

R.S.O. 1970, c. 32

19. The judge upon the hearing of any complaint under section 15 has the like powers as nearly as may be as in the case of a judge sitting for the hearing of appeals from the Assessment Review Court under *The Assessment Act*, and the procedure for the hearing of complaints under this Act shall be, as nearly as may be, the same as the procedure under *The Assessment Act*, except that the judge, in the absence of the consent of the collector, shall hear such complaints only as are included in the list provided by the collector as required by section 20. 1961-62, c. 111, s. 19.

Attendance of collector at hearing of complaints

20. The collector or his agent shall attend at every sitting of the judge and shall have with him at the sitting a list of the unresolved complaints containing the names of the complainants and the assessments of their land, and he shall correct, alter and amend the register in accordance with the directions of the judge. 1961-62, c. 111, s. 20.

PAYMENT OF TAX

Annual tax

21.—(1) The tax under section 3 is payable annually at the appropriate prescribed rate upon the assessed value of the land.

Rates

(2) The rate or rates of the annual tax prescribed remain in force from year to year until changed.

Minimum tax

(3) The minimum annual tax imposed under this Act in respect of any land is \$6. 1961-62, c. 111, s. 21.

CROWN LANDS

Assessment of Crown lands

22.—(1) Notwithstanding paragraph 1 of subsection 1 of section 3, the tenant of land owned by the Crown where a rent or any valuable consideration is paid in respect of such land and the

owner of land in which the Crown has an interest and the tenant of such land where rent or any valuable consideration is paid in respect of such land shall be assessed and taxed in the same way as if the land was owned or the interest of the Crown was held by any other person.

(2) For the purpose of subsection 1,

Interpretation

- (a) "rent or any valuable consideration" shall be deemed to have been paid, in the case of an employee using land belonging to the Crown as a residence, where there is a reduction in or deduction from the salary, wages, allowances or emoluments of the employee because of such use or where such use is taken into consideration in determining the employee's salary, wages, allowances or emoluments;
- (b) "residence" means a building or part of a building used as a domestic establishment in which persons usually sleep and prepare and serve meals;
- (c) "tenant" includes any person who uses land belonging to the Crown, as or for the purposes of, or in connection with, his residence, irrespective of the relationship between him and the Crown with respect to such use.

(3) The tenant of land held in trust for a band or body of Indians who is not a member of such band or body, where rent or any valuable consideration is paid in respect of such land, shall be assessed in respect of the land in the same way as if the land were owned or held by any other person. 1961-62, c. 111, s. 22.

Assessment of Indian lands

COLLECTION OF TAX

23.—(1) Except as otherwise provided in this Act, the tax imposed by this Act shall be for the calendar year and becomes due and is payable on the 1st day of February in the year for which it is imposed, and a tax bill shall be mailed by the collector to every owner of land subject to taxation at his latest known address on or before the 15th day of January in the year for which the tax is payable.

Tax bills

(2) The tax bill shall show the assessed value of the land, the rate of taxation, the amount of the tax payable and such other information as may be prescribed. 1961-62, c. 111, s. 23.

Idem

24. Except as otherwise provided in this Act, where any tax under this Act remains unpaid on the 1st day of March in the year for which it is payable, a penalty of 5 per cent shall be added thereto and in addition such tax and penalty shall bear interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from such 1st day of March until the tax and

Penalty and interest on unpaid tax

penalty are paid, which interest shall be compounded annually on the 1st day of March of the year next following the date on which the tax was payable and on each 1st day of March thereafter that the tax or any part thereof remains unpaid, and for all purposes the amount of such tax, penalty and interest shall be deemed to be tax due and payable under this Act. 1966, c. 121, s. 2.

Additions
to register

25.—(1) Where land becomes liable to assessment and taxation under this Act between the 1st day of January and the 29th day of November in any year, the collector may enter the land in the register for a portion of the amount of taxes that would have been payable under this Act for the year if the land had been liable to assessment and taxation for the whole of the year, and, subject to subsection 3 of section 21, that portion shall be in the ratio that the number of months remaining in the year after the land becomes liable to assessment and taxation bears to the number 12.

Amendments
to register

(2) Where the value of land liable to assessment and taxation under this Act increases between the 1st day of January and the 29th day of November in any year, the collector may amend the assessment of the land in the register and enter in the register tax for the increase in the assessment for a portion of the year, and that portion shall be in the ratio that the number of months remaining in the year after the value increases bears to the number 12.

Where
land omitted
from the
register

(3) If at any time it appears to the collector that, notwithstanding the receipt of a notice under section 9, land liable to assessment and taxation has been omitted from the register in whole or in part for the current year or for either or both of the next two preceding years, he may enter such land in the register as well for the arrears of the preceding year or years, if any, as for the tax for the current year.

Idem

(4) Where land liable to assessment and taxation is omitted from the register by reason of the failure of the owner of the land to give the notice required under section 9, the collector may enter such land in the register for the arrears of tax of each year back to and including the year in which such notice should have been given.

Idem

(5) For the purpose of determining the arrears of tax under subsection 3 or 4, the collector may assess the land at its current assessed value for each year in which arrears are owing.

Billing

(6) Where the collector enters tax or arrears of tax in the register under subsection 1, 2, 3 or 4, he may thereupon mail to the owner, at his latest known address, a tax bill for such tax or arrears of tax, and such tax or arrears of tax are due and payable within thirty days of the date of such bill. 1961-62, c. 111, s. 25 (1-6).

(7) Where any tax or arrears of tax billed under subsection 6 remains unpaid after the due date, a penalty of 5 per cent shall be added thereto and in addition such tax or arrears of tax and penalty shall bear interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from the due date until paid, which interest shall be compounded annually on the 1st day of March of the year next following the date on which the tax or arrears of tax was payable and on each 1st day of March thereafter that the tax or arrears of tax or any part thereof remains unpaid, and for all purposes the amount of such tax, arrears of tax, penalty and interest shall be deemed to be tax due and payable under this Act. 1966, c. 121, s. 3.

Penalty and
interest on
unpaid tax

26.—(1) Every tax, interest and penalty imposed by this Act is a special lien on the land upon or in respect of which such tax, interest or penalty is imposed in priority to every claim, privilege, lien or encumbrance, heretofore or hereafter created, of every person, and the lien and its priority are not lost or impaired by any neglect, omission or error of the Minister or the collector or of any other officer, clerk or servant appointed or assigned to any work in the course of the administration of this Act or by want of registration.

Tax,
penalties
and interest
to be lien
on land

(2) The owner or any person entered in the register as the owner of any land is personally liable for all tax, interest and penalties imposed by this Act in respect of such land, and the collector may bring an action in his name of office for the recovery thereof in any court of competent jurisdiction. 1961-62, c. 111, s. 26.

Owner liable
for tax and
penalties

27. In addition to the collection of arrears of tax by action as hereinbefore provided, the collector may distrain for the same and has the like powers in that regard as a collector of taxes for a municipal corporation. 1961-62, c. 111, s. 27.

Collection
by distress

DELIVERY OF NOTICES

28. Any complaint made under section 15 or any notice or return required by or given under this Act, other than a notice under subsection 1 or 2 of section 33, may be given by sending it by post-paid mail to the collector, or to the latest known address of the owner of the land or of any person interested in the land, as the case may be, and such notice or a notice by registered mail under subsection 1 or 2 of section 33 shall be deemed to have been received if it was so mailed. 1961-62, c. 111, s. 28.

Delivery of
notices

29. A tax bill shall be deemed to be delivered to an owner of land to which this Act applies or to his agent or representative where it is mailed post paid to the latest known address of such owner, agent or representative. 1961-62, c. 111, s. 29.

Delivery of
tax bills

Billing joint
owners, etc.

30.—(1) Where land is owned by two or more persons, either jointly or otherwise, the collector may send any notice or tax bill issued under this Act to such part owner as is designated by the other part owners, and, where the part owners fail to designate a part owner for this purpose or where they fail to agree on which part owner should be designated, the collector may select a part owner to whom such notices and tax bills may be sent.

Idem

(2) Where the collector designates the part owner to whom such notices and tax bills may be sent, he shall notify the other part owners of his designation.

Idem

(3) Any notice or tax bill sent to the latest known address of the part owner designated under subsection 1 shall be deemed to have been received by the other part owners. 1961-62, c. 111, s. 30.

REMISSION OF TAXES

Refunds,
etc., on
incorpora-
tion of muni-
cipality

31.—(1) The collector may reduce, refund or pay to the municipality any part of the tax under this Act on any land in respect of a year in which the land became part of a municipality.

Cancellation
of arrears
and
remission
of tax

(2) The collector may cancel any arrears of tax, interest or penalties in respect of land exempted from taxation under this Act or any predecessor of this Act or any regulations made hereunder or thereunder and may remit to any person any money paid by such person for any part of the current year or either or both of the next two preceding years as tax, interest or penalties under such Acts in respect of lands exempted from taxation under such Acts or regulations.

Idem

(3) Where the value of land liable to assessment and taxation under this Act decreases between the 1st day of January and the 29th day of November in any year, the collector, after amending the assessment of the land in the register, may cancel a portion of the arrears of tax on the decrease in the assessment or, without interest, may make a refund to the owner or give a credit to the owner to be applied to the following year's tax in the amount of the tax on the decrease in the assessment for a portion of the year, and any such portion shall be in the ratio that the number of months remaining in the year after the value decreases bears to the number 12. 1961-62, c. 111, s. 31.

APPORTIONMENT OF ARREARS

Apportion-
ment

32.—(1) Where land in respect of which arrears of tax, interest or penalties are owing under this Act has been assessed in one block, upon the application by or on behalf of any person claiming to be the registered owner of one or more parcels of the land, the collector may, after giving notice of the application to the owner of the land entered in the register, apportion the arrears of tax, interest and penalties and the current year's tax upon such

parcels in proportion to their relative assessed value as determined from the assessment shown in the register at the date of the application.

(2) The payment of the apportionment assigned to any parcel under subsection 1 is a satisfaction of the tax, interest and penalties thereon. Idem

(3) Forthwith after an apportionment has been made, the collector shall enter it in the register, and thereafter each parcel of the land affected is liable only for the amount of tax, interest and penalties apportioned or charged thereto, and is only liable for forfeiture for non-payment of the tax, interest and penalties so apportioned or charged against it. 1961-62, c. 111, s. 32. Idem

FORFEITURE OF LANDS FOR ARREARS OF TAX

33.—(1) Where any part of the tax imposed under this Act remains unpaid for a period of two years or more, the collector may cause to be filed on or before the 31st day of August in any year in the proper land titles or registry office a caution in the prescribed form, and thereupon he shall cause to be sent by registered mail a notice to the person appearing from search or inquiry at the proper land titles or registry office to be the owner of the land in respect of which the default has been made and to every person appearing from such search or inquiry to have an interest therein, stating that, unless the total amount of tax, interest, penalties and costs due and payable under this Act is paid on or before the 31st day of August in the year next following, the land and every interest therein will be liable to be forfeited to and to be vested in the Crown on the 1st day of September in the last-mentioned year by a certificate under the hand of the Minister or the Deputy Minister, and to the amount so due and payable there shall in every case be added and paid as costs the prescribed sum. Notice of forfeiture

(2) Where no letters patent from the Crown have issued granting land in respect of which tax remains unpaid for a period of two years or more, the collector may send by registered mail a notice mentioned in subsection 1 to the person entered in the register as the owner of the land, and the sending of such notice shall be deemed to be compliance with the provisions of subsection 1. Idem

(3) The collector shall cause to be prepared a list of the lands in respect of which notices under subsections 1 and 2 have been mailed and shall cause the list to be published in one issue of *The Ontario Gazette* not later than the 31st day of December next following the mailing of the notices and giving notice that, unless the total amount of tax, interest, penalties and costs shown therein is paid on or before the 31st day of August in the year next Publication of notice

following, the land and every interest therein will be liable to be forfeited to and to be vested in the Crown on the 1st day of September in the last-mentioned year by a certificate under the hand of the Minister or the Deputy Minister.

Declaration
of
forfeiture

(4) Where any part of the tax, interest, penalties and costs remains unpaid after the 31st day of August in the year next following the publication of the list in *The Ontario Gazette* under subsection 3, the Minister or the Deputy Minister by a certificate may, on and after the 1st day of September next following, declare the lands and every interest therein forfeited to and vested in the Crown, and thereupon, subject to subsections 5 and 6, the land and every interest therein vests in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing, arising or accruing before or after such forfeiture is declared, and the land may be granted, sold, leased or otherwise disposed of in the same manner as public lands may be dealt with under the laws of Ontario.

Mining
lands
R.S.O. 1970,
c. 274

(5) Where land, other than land held under a lease or licence of occupation, that is subject to forfeiture under this Act is also subject to the acreage tax under *The Mining Act*, such forfeiture shall be of the surface rights only.

Easements

(6) Where a dominant tenement is forfeited, any easement appurtenant thereto passes to the Crown and, where a servient tenement is forfeited, the forfeiture does not affect any easement to which the servient tenement is subject.

Registration
of certificate

(7) The proper master of titles or registrar of deeds shall upon receipt of the certificate duly register the same, and it is absolute and conclusive evidence of the forfeiture to the Crown of the land and every interest therein so certified to be forfeited, and is not open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture.

R.S.O. 1970,
cc. 409, 234
not to
apply to
forfeited
lands

(8) Upon registration of a certificate of forfeiture in the registry or land titles office, *The Registry Act* or *The Land Titles Act*, as the case may be, ceases to apply to the land forfeited, and the proper master of titles or registrar shall note that fact in his register in red ink. 1961-62, c. 111, s. 33, *amended*.

Land
forfeited
in error

34. Where land has been forfeited in error to the Crown under this Act or any predecessor of this Act, the Minister or the Deputy Minister, by a certificate under his hand, may revoke, cancel or annul the forfeiture in so far as it has reference to land forfeited to the Crown in error, and thereupon such land reverts to the owner of the land at the time of forfeiture, his heirs, successors or assigns, subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding. 1961-62, c. 111, s. 34.

OFFENCES

35. Every owner who makes default in completing or making a return or notice required by this Act within the prescribed period is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 and an additional fine of \$10 for each day during which default continues. 1961-62, c. 111, s. 35. Not making
returns

36. Every person who knowingly makes a false statement in any return or notice required by this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. 1961-62, c. 111, s. 36. False
statements

37. Every person who wilfully obstructs or interferes with the collector or any other officer or the county or district court judge in the performance of his duties under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. 1961-62, c. 111, s. 37. Offence for
obstructing
collector,
etc.

REGULATIONS

38. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing any return, bill or other form required for the purposes of this Act;
 - (b) designating classes of land and declaring the same to be exempt, wholly or partially, from taxation under this Act;
 - (c) designating classes of land and prescribing the rate of tax applicable to each class;
 - (d) amending the table of rates set out in subsection 2 of section 10;
 - (e) designating pipes in addition to those mentioned in subclause i of clause i of section 1 as pipe lines;
 - (f) prescribing the costs to be paid under subsection 1 of section 33;
 - (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1961-62, c. 111, s. 38.
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CHAPTER 371

The Provincial Parks Act**1.** In this Act,Interpre-
tation

- (a) “Minister” means the Minister of Lands and Forests;
- (b) “provincial park” includes provincial camp grounds, provincial picnic grounds, and provincial camp and picnic grounds;
- (c) “public lands” means lands belonging to Her Majesty in right of Ontario, whether or not covered with water;
- (d) “regulations” means the regulations made under this Act. R.S.O. 1960, c. 314, s. 1.

2. All provincial parks are dedicated to the people of the Province of Ontario and others who may use them for their healthful enjoyment and education, and the provincial parks shall be maintained for the benefit of future generations in accordance with this Act and the regulations. R.S.O. 1960, c. 314, s. 2.

Parks
dedicated
to public

3.—(1) All provincial parks in existence when this Act comes into force shall continue to be reserved, set apart and known as provincial parks.

Existing
parks
continued

(2) The Lieutenant Governor in Council may set apart as a provincial park any area in Ontario, may increase or decrease the area of any provincial park and may delimit any provincial park.

New parks
and addi-
tions, etc.

(3) Land may be acquired under *The Public Works Act* for the purposes of this Act. R.S.O. 1960, c. 314, s. 3 (1-3).

Acquisition
of land
R.S.O. 1970,
c. 393

(4) Notwithstanding *The Municipal Act*, every unopened road allowance that is within a provincial park and that has not been closed and conveyed shall be deemed to have been vested in the Crown from the day on which the provincial park was established or the area in which the unopened road allowance is located was added to a provincial park, as the case may be, and the Minister may close to travel any such road allowance one month after having caused notice of the proposed closing to be published once a week for four consecutive weeks in a newspaper having general circulation in the locality in which the road allowance is located or one month after having caused such a notice to be posted in a conspicuous place at or near the road allowance. 1966, c. 122, s. 1.

Unopened
road
allowances
vested in
Crown
R.S.O. 1970,
c. 284

Municipal
purposes

(5) For municipal purposes, any land set apart as a provincial park or added thereto shall, so long as it remains part of the provincial park, be deemed to be separated from any municipality of which it formed a part immediately before it became a provincial park or a part thereof.

Judicial
purposes

(6) For judicial purposes, any land set apart as a provincial park or added thereto shall continue to form part of the county, if any, of which it formed a part immediately before it became a provincial park or a part thereof. R.S.O. 1960, c. 314, s. 3 (5, 6).

Hunting in
designated
provincial
parks
R.S.O. 1970,
c. 186

4. The Lieutenant Governor in Council may designate any provincial park or any part of a provincial park as an area in which section 26 of *The Game and Fish Act* does not apply from and including the Tuesday following the second Monday in October to and including the 31st day of March next following. 1960-61, c. 79, s. 1, *part, amended*.

Classifica-
tion of
provincial
parks

5. The Lieutenant Governor in Council may classify any provincial park as a natural environmental park, a nature reserve park, a primitive park, a recreational park, a wild river park or such other class of park as he may designate. 1968, c. 104, s. 1.

Advisory
committees

6. The Minister, with the approval of the Lieutenant Governor in Council, may appoint committees to perform such advisory functions as are considered necessary or desirable in connection with the administration of one or more of the provincial parks and fix the terms of reference and procedures of such committees. 1970, c. 17, s. 1.

Adminis-
tration

7.—(1) Each provincial park is under the control and management of the Minister and shall be under the charge of a district forester or a superintendent designated by the Minister. R.S.O. 1960, c. 314, s. 4 (1).

Zoning in
provincial
parks

(2) Without limiting the generality of subsection 1, in the management of a provincial park the Minister may from time to time define areas on maps or plans, designate such areas as zones, and classify any zone as an historic zone, multiple use zone, natural zone, primitive zone, recreational zone or otherwise as he considers proper. 1968, c. 104, s. 2.

Idem

(3) Without limiting the generality of subsection 1, the district forester or the superintendent, with the approval of the Minister, may, in respect of the provincial park under his charge,

- (a) construct and operate on public lands golf courses, bowling greens or other facilities for sports or amusement;
- (b) construct and operate on public lands restaurants, refreshment booths, shops, sleeping accommodations and other facilities for the convenience of the public;

- (c) construct and operate on public lands toilet, dressing-room, picnic, camping, cooking, bathing, parking and other facilities for the convenience of the public;
- (d) acquire and operate boats, vehicles and other means of transportation in connection with the park;
- (e) make agreements with persons with respect to the establishment or operation by them of any works, facilities or services on public lands;
- (f) prescribe, by the erection, posting or other display of notices, the time or times of the day or year during which the park or any part thereof is open or closed, as the case may be, for the use of the public. R.S.O. 1960, c. 314, s. 4 (2).

8.—(1) The Minister and any municipality, with the approval of the Ontario Parks Integration Board, may enter into agreement for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction and control of the municipality for the purpose of providing access to a provincial park, and the provincial share of the cost thereof may be paid out of the moneys appropriated therefor by the Legislature.

Access roads to provincial parks, in municipalities

(2) A road constructed, reconstructed or maintained under an agreement made under subsection 1 remains under the jurisdiction and control of the municipality.

Idem

(3) The Minister, with the approval of the Ontario Parks Integration Board, may arrange with the road commissioners elected under *The Statute Labour Act* or with a person who is the owner of land in territory without municipal organization for the construction or maintenance of a road therein for the purpose of providing access to a provincial park, and the provincial share of the cost thereof may be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 314, s. 5.

Idem, in unorganized territory R.S.O. 1970, c. 445

9.—(1) The Minister may receive and take from any person by grant, gift, devise, bequest or otherwise, any property, real or personal, or any interest therein, for the purposes of a provincial park.

Gifts

(2) Where only the surface rights in lands are received and taken by the Minister under subsection 1 and the mines and minerals are not vested in the Crown, subsection 1 of section 17 does not apply to such lands. R.S.O. 1960, c. 314, s. 6.

Surface rights

10.—(1) The Minister may inquire into and ascertain all the facts concerning all leases and other agreements in respect of any lands in a provincial park.

Inquiry into leases, etc.

Cancellation
of leases

(2) If the Minister is satisfied that any person claiming to be entitled to any rights in respect of public lands in a provincial park, or any person claiming under or through him, has been guilty of a fraud or imposition, or has contravened any of the conditions of his lease or other agreement, he may cancel such lease or other agreement and resume the land and dispose of it as if the lease or other agreement had never been made, and upon such cancellation all moneys paid in respect of such lease or other agreement remain the property of the Crown and the improvements, if any, on the land are forfeited to the Crown.

Power to
acquire
possession
R.S.O. 1970,
c. 380

(3) Where a person refuses to deliver up land or where a trespasser is in possession, the Minister may obtain possession in a manner similar to that provided in section 27 of *The Public Lands Act*. R.S.O. 1960, c. 314, s. 7.

Use and
occupation
of public
lands

11. Except as provided by this Act or the regulations, no person shall use or occupy any public lands in a provincial park. R.S.O. 1960, c. 314, s. 8.

Police
powers

12. In a provincial park, the district forester, superintendent or other person in charge and every forest ranger and conservation officer have all the power and authority of a member of the Ontario Provincial Police Force. R.S.O. 1960, c. 314, s. 9; 1961-62, c. 112, s. 1.

Seizure
and confis-
cation

13. Any person having the power and authority of a member of the Ontario Provincial Police Force may seize any motor or other vehicle, or any aircraft, or any boat, skiff, canoe, punt or other vessel, or any equipment or appliance, or any other article used in contravention of this Act and found in the possession of a person suspected of having committed an offence against this Act or the regulations, and upon conviction therefor the provincial judge may order the chattel so confiscated to be forfeited to the Crown in right of Ontario, and after the expiration of thirty days it may be disposed of in such manner as the Minister considers proper. R.S.O. 1960, c. 314, s. 10, *amended*.

Lost, mis-
laid or
abandoned
property

14.—(1) Any lost, mislaid or abandoned property coming into the custody of the district forester, superintendent or other person in charge of a provincial park and not claimed by the owner within three months is the property of the Crown in right of Ontario and may be sold under the direction of the Minister, but, where any such property is perishable or has no commercial value, it may be given to a charitable institution or destroyed.

Idem

(2) Where a person establishes to the satisfaction of the Minister within one year of the date of sale that he was the owner of property sold under subsection 1, the Minister may direct the payment to such person of an amount equal to the price received

for the property less the cost of the sale and other expenses incurred in connection with the property. 1960-61, c. 79, s. 1, *part.*

15.—(1) The district forester or superintendent in charge of a provincial park may open or close to travel any road or trail in the provincial park that is not under the control of the Department of Highways, or any portage in the provincial park. R.S.O. 1960, c. 314, s. 11; 1962-63, c. 110, s. 1. Roads, trails and portages

(2) No person who has knowledge of the closing of a road or trail under subsection 1 shall travel thereon. 1960-61, c. 79, s. 2. Prohibition against travel on closed road

16. No licence or other authority shall be issued for the sale of liquor as defined in *The Liquor Control Act* in a provincial park. R.S.O. 1960, c. 314, s. 12. Sale of liquor
R.S.O. 1970, c. 249

17. Subject to *The Game and Fish Act* and the regulations thereunder, the Minister may take such measures as he considers proper for the protection of fish, animals and birds and any property of the Crown in a provincial park. R.S.O. 1960, c. 314, s. 13. Conservation of wild life, etc.
R.S.O. 1970, c. 186

18.—(1) Subject to the regulations, prospecting and the staking out of mining claims or the development of mineral interests or the working of mines in provincial parks is prohibited. Prospecting, mining, etc.

(2) A licence of occupation may be issued under the regulations to the recorded holder of a lawfully staked mining claim in a provincial park. Licences of occupation

(3) The staker or recorded holder of a mining claim or the holder of a licence of occupation issued to the recorded holder of a mining claim does not acquire any right, title or interest in or to the surface rights in the land. No title acquired in surface rights

(4) Where it is necessary to interfere with the surface rights in any such land in order to carry on mining operations, the district forester or superintendent in charge of the provincial park in which the land is may permit such interference with the surface rights as he considers necessary. R.S.O. 1960, c. 314, s. 14. Necessary use of surface rights

19.—(1) The Lieutenant Governor in Council may make Regulations, Regulations

(a) for the care, preservation, improvement, control and management of the provincial parks;

(b) regulating and controlling prospecting or the staking

out of mining claims or the development of mineral interest or the working of mines in provincial parks;

- (c) prohibiting or regulating and controlling the occupation of public lands in provincial parks or designating areas therein in which land may be leased or occupied under licence of occupation and describing such areas by metes and bounds or in relation to highways, lakes, rivers or railways;
- (d) regulating and controlling the use of lands in provincial parks;
- (e) prohibiting the erection of buildings or structures in provincial parks, or regulating and controlling the nature, cost, type of construction or the location of buildings or structures that may be erected therein;
- (f) governing the granting, issue, form, renewal, transfer and cancellation of leases, licences of occupation and other rights to public lands in provincial parks and prescribing terms and conditions in connection therewith;
- (g) prohibiting or regulating and controlling the use or keeping of horses, dogs and other animals in provincial parks;
- (h) prohibiting or regulating and controlling the erection, posting or other display of notices, signs, sign-boards and other advertising devices in provincial parks;
- (i) prohibiting or regulating and controlling the use, setting out and extinguishment of fires in provincial parks;
- (j) prohibiting or regulating and controlling pedestrian, vehicular, boat or air traffic in provincial parks;
- (k) prohibiting or regulating and controlling and issuing permits for the use of vehicles, boats or aircraft or any defined class thereof in provincial parks;
- (l) for issuing permits to persons to enter and travel in provincial parks;
- (m) prohibiting or regulating, controlling and licensing trades, businesses, amusements, sports, occupations and other activities or undertaking in provincial parks;
- (n) regulating, controlling and licensing and requiring the use of guides in provincial parks;
- (o) prescribing the fees or rentals payable for any licence, permit, lease or other right issued, made or given in respect of a provincial park;
- (p) prescribing the maximum periods of stay of persons, vehicles, boats, vessels or aircraft in provincial parks;

- (q) providing for the imposition and collection of fees for entrance into provincial parks of persons, vehicles, boats or aircraft;
- (r) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 314, s. 15 (1); 1968, c. 104, s. 3 (1).

(2) Any regulation under subsection 1 may be made applicable Application to all provincial parks or to any provincial park or to any class of provincial park or to any part or zone of a provincial park. 1968, c. 104, s. 3 (2).

20.—(1) Every person who contravenes any of the provisions Offence of this Act or of the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

(2) Where any regulation is contravened, in addition to any Restraint by action other remedy and to any penalty, the contravention may be restrained by action at the instance of the Minister. R.S.O. 1960, c. 314, s. 16.

21. Nothing in this Act applies to or affects any park under the management of The Niagara Parks Commission or The Niagara and St. Lawrence Parks not affected St. Lawrence Parks Commission. R.S.O. 1960, c. 314, s. 17, *amended.*

CHAPTER 372

The Psychologists Registration Act**1.** In this Act,

- (a) “Board” means the Ontario Board of Examiners in Psychology appointed under this Act;
- (b) “certificate of registration” means a certificate of registration as a registered psychologist;
- (c) “registered psychologist” means a person who is registered under this Act. R.S.O. 1960, c. 316, s. 1.

Interpre-
tation

2.—(1) The board known as the Ontario Board of Examiners in Psychology is continued and shall be composed of five registered psychologists appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may fill any vacancies in the membership of the Board. R.S.O. 1960, c. 316, s. 2 (1), *amended*.

Board
continued

(2) At least two of the members of the Board shall be and at least two members shall not be principally engaged as members of the teaching staff of a university. R.S.O. 1960, c. 316, s. 2 (2).

Qualification

3. The members of the Board from time to time are a corporation. R.S.O. 1960, c. 316, s. 3.

4. A majority of the members of the Board is a quorum. R.S.O. 1960, c. 316, s. 4.

Quorum

5. Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

Regulations

- (a) fixing the term of office and remuneration of the members of the Board and providing for the payment of necessary expenses of the Board in the conduct of its business;
- (b) prescribing the powers of the Board and the procedure of the Board at its meetings;
- (c) providing for the issuance and renewal of certificates of registration and fixing the fees payable therefor;
- (d) providing for the holding of examinations and fixing the fees payable therefor;
- (e) governing the suspension or cancellation of certificates of registration, the causes and procedure therefor;

- (f) prescribing the duties and remuneration of examiners and other persons employed by the Board;
- (g) generally for carrying out the intent and purpose of this Act. R.S.O. 1960, c. 316, s. 5.

Qualification
for
registration

6.—(1) The Board shall grant a certificate of registration to any person who furnishes evidence satisfactory to the Board that he,

- (a) has received a doctoral degree based upon a program of studies whose content was primarily psychological from an educational institution approved by the Board;
- (b) has had at least one year of experience acceptable to the Board; and
- (c) has passed the examinations required by the Board. R.S.O. 1960, c. 316, s. 6.

Where
Board
may
dispense
with
examination

(2) The Board in its discretion may waive examination of a candidate for registration if the candidate holds a diploma granted by the American Board of Examiners in Professional Psychology or has been certified or registered by the examining board of another province, state or country whose standards are considered by the Board to be at least the equivalent of the standards established by this Act. 1965, c. 105, s. 1.

Power to
refuse
registration

7. The Board after a hearing may refuse to grant a certificate of registration to any person who is found by the Board to be liable to have his certificate suspended or cancelled for any of the causes mentioned in the regulations. R.S.O. 1960, c. 316, s. 8.

Appeal

8.—(1) If the Board refuses or neglects to register a person, refuses or neglects to renew the registration of a person or suspends or cancels the registration of a person, the person aggrieved may, within three months from the day on which notice thereof was served, apply to the Supreme Court which upon due cause shown may make an order directing the Board to make the registration, renew the registration, remove the suspension or withdraw the cancellation, as the case may be, or may make such other order as is warranted by the facts.

Idem

(2) Every such order is final and conclusive and shall be acted upon forthwith by the Board. R.S.O. 1960, c. 316, s. 9.

Register
to be kept

9.—(1) The Board shall keep a register in which shall be entered the name of every person who has been granted a certificate of registration.

Inspection
of register

(2) The register shall be open to inspection by any person upon reasonable notice to the Board. R.S.O. 1960, c. 316, s. 10.

10.—(1) The Board may keep a register to be known as the “temporary register”, in which shall be entered the name of every person who has received a degree within the meaning of section 6 but who has not met all the other requirements specified in section 6. 1965, c. 105, s. 2, *part, amended*. Temporary register

(2) The temporary register shall be open to inspection by any person upon reasonable notice to the Board. Inspection

(3) Upon granting registration in the temporary register, the Board may fix the fee payable by the person so registered and the conditions, limitations and restrictions applicable to such person. Conditions of registration

(4) Upon any person so registered ceasing to comply with the conditions, limitations or restrictions applicable to such person, the Board may remove the name of the person from the temporary register. 1965, c. 105, s. 2, *part*. Removal of name

11.—(1) No person shall represent himself to be a psychologist unless he holds a certificate of registration. Prohibition

(2) A person represents himself to be a psychologist when he holds himself out to the public by any title, designation or description incorporating the words “psychological”, “psychologist” or “psychology” and under such title, designation or description offers to render or renders services of any kind to one or more persons for a fee or other remuneration. R.S.O. 1960, c. 316, s. 11 (1, 2). Idem

(3) This section does not apply to a legally qualified medical practitioner or to a person in the course of his employment by the Government of Canada, the Government of Ontario or a university, or to a person registered in the temporary register under section 10. R.S.O. 1960, c. 316, s. 11 (3); 1965, c. 105, s. 3. Exceptions

12. No person who holds a certificate of registration shall treat any person for any type of mental disorder for a fee or other remuneration except on the request of or in association with a legally qualified medical practitioner. R.S.O. 1960, c. 316, s. 12. Treatment of mental disorders

13. Nothing in this Act authorizes a person who holds a certificate of registration to engage in any manner in the practice of medicine, surgery or midwifery. R.S.O. 1960, c. 316, s. 13. Practice of medicine not authorized

14.—(1) Every person who contravenes any of the provisions of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for the first offence and not more than \$500 for any subsequent offence. Offence

(2) The fines recovered for offences under this Act shall be paid to the Board. R.S.O. 1960, c. 316, s. 14. Disposition of fines

CHAPTER 373

The Public Accountancy Act

1. In this Act,

Interpre-
tation

- (a) "Council" means The Public Accountants Council for the Province of Ontario;
- (b) "prescribed" means prescribed by the regulations made by the Council under this Act;
- (c) "public accountant" means a person who either alone or in partnership engages for reward in public practice involving,
 - (i) the performance of services which include causing to be prepared, signed, delivered or issued any financial, accounting or related statement, or
 - (ii) the issue of any written opinion, report or certificate concerning any such statement,

where, by reason of the circumstances or of the signature, stationery or wording employed, it is indicated that such person or partnership acts or purports to act in relation to such statement, opinion, report or certificate as an independent accountant or auditor or as a person or partnership having or purporting to have expert knowledge in accounting or auditing matters, but does not include a person who engages only in bookkeeping or cost accounting or in the installation of bookkeeping, business or cost systems or who performs accounting or auditing functions exclusively in respect of,

- (iii) any public authority or any commission, committee or emanation thereof, including a Crown company,
- (iv) any bank, loan or trust company,
- (v) any transportation company incorporated by Act of the Parliament of Canada, or
- (vi) any other publicly-owned or publicly-controlled public utility organization;
- (d) "qualifying body" means The Institute of Chartered Accountants of Ontario. R.S.O. 1960, c. 317, s. 1; 1961-62, c. 113, s. 1.

2. The Public Accountants Council for the Province of Ontario is continued under that name as a body corporate with

Council
continued

power to acquire, hold and dispose of land. R.S.O. 1960, c. 317, s. 2.

Composition
of the
Council

- 3.**—(1) The Council shall consist of fifteen members,
- (a) twelve of whom shall be appointed by the council of the qualifying body; and
 - (b) three of whom shall be elected in the prescribed manner by vote of the persons who are licensed under this Act but who are not members of the qualifying body. 1961-62, c. 113, s. 2 (1), *amended*.

Qualification
of members

- (2) No person shall be appointed or elected a member of the Council unless he holds a licence under this Act. R.S.O. 1960, c. 317, s. 3 (2).

Certification
of appointed
members

- 4.**—(1) The secretary of the qualifying body shall certify in writing the names of the persons appointed to the Council.

of elected
members

- (2) The election of persons to Council shall be certified in writing in the prescribed manner.

Certificate
as evidence

- (3) Every such certificate is for all purposes sufficient evidence of the appointment or election of the persons named therein. 1961-62, c. 113, s. 3, *part*.

Term of
office

- 5.**—(1) Every member of the Council shall hold office for a term of two years from the date of his appointment or election. R.S.O. 1960, c. 317, s. 6 (1); 1961-62, c. 113, s. 4 (1).

Idem

- (2) Every member shall hold office until his successor is appointed or elected.

Re-appoint-
ment and re-
election

- (3) A retiring member of the Council is eligible for re-appointment or re-election. R.S.O. 1960, c. 317, s. 6 (2, 3).

Vacancies

- (4) Any vacancy in the office of a member of the Council, where more than four months of the term remain, shall be filled for the remainder of the term by the appointment of a member by the qualifying body or by the election of a member in the manner mentioned in clause *b* of subsection 1 of section 3, as the case requires. 1961-62, c. 113, s. 4 (2).

Effect of
vacancy

- (5) The Council may act notwithstanding a vacancy in its number occurring from any cause. R.S.O. 1960, c. 317, s. 6 (5).

Resignation
of member

- 6.**—(1) A member of the Council may at any time resign his office by giving notice to the Council.

Removal of
member

- (2) The Council may of its own motion and shall, in the case of an appointed member if so requested by the body by which the

member was appointed, remove a member from his office for any prescribed cause. R.S.O. 1960, c. 317, s. 7.

7. It is the duty of the Council to administer the provisions of this Act and in particular, but without limiting the generality of the foregoing, the functions of the Council include, Functions
of Council

- (a) the grant or refusal of licences, in accordance with this Act;
- (b) the maintenance and, if thought fit, the publication of a roll of the persons for the time being licensed under this Act;
- (c) the prescription of the fees payable on the grant or renewal of licences under this Act;
- (d) the maintenance and improvement of the status and standards of professional qualifications of public accountants practising as such in Ontario;
- (e) the consideration of matters of common interest and concern to public accountants, and the submission of representations to any government department or public authority with reference to any such matters;
- (f) the provision of scholarships for students in public accountancy and of maintenance grants for such students whose means appear to the Council to be insufficient to enable them to pursue their studies;
- (g) the conduct and encouragement, whether by means of financial assistance or otherwise, of research in accountancy;
- (h) the exercise of the disciplinary powers conferred by this Act; and
- (i) the prosecution of offences under this Act. R.S.O. 1960, c. 317, s. 8.

8.—(1) The Council shall meet at such times and places as it may from time to time determine, provided that the Council shall hold at least one meeting in every period of three months to consider and determine applications for licences under this Act Meetings of
the Council

(2) The president of the Council may at any time convene an extraordinary meeting of the Council at such time and place as he may, by notice to the members of the Council, direct, and the conditions as to giving such notice shall be as may be prescribed. R.S.O. 1960, c. 317, s. 9. Extra-
ordinary
meetings

9.—(1) Except as otherwise expressly provided by this section, all matters that arise for decision at any meeting of the Voting at
meetings of
the Council

Council shall be decided by a majority of votes of members present and voting by show of hands.

Assent
required
for certain
resolutions

(2) No resolution of the Council relating to,

- (a) any of the functions of the Council referred to in clause *h* or *i* of section 7;
- (b) the making of regulations under section 31;
- (c) the revocation or non-renewal of a licence granted under this Act; or
- (d) the granting of an exemption to any person pursuant to subsection 2 of section 14 from any of the conditions of section 14, or the approval of conditions subject to which such exemption shall be granted,

is valid unless approved by the votes of at least three-quarters of the members of the Council present and voting thereon.

Notice

(3) No resolution of the Council relating to any of the matters mentioned in subsection 2 is valid unless the notice calling the meeting at which the resolution is moved has specified the general nature of the business to be transacted thereat. R.S.O. 1960, c. 317, s. 10.

Officers

10.—(1) The officers to be elected from among the members of the Council shall be a president, a vice-president, a secretary and such other officers as the Council considers necessary. R.S.O. 1960, c. 317, s. 11 (1).

Election of
officers

(2) The election of officers shall take place annually at the first ordinary meeting of the Council in each financial year when all officers then in office shall retire but if otherwise qualified are eligible for re-election, and in the event of a tie vote for the election of the president or vice-president, the issue shall be decided by lot. R.S.O. 1960, c. 317, s. 11 (2); 1961-62, c. 113, s. 5 (1).

Term of
office

(3) Subject to the provisions of this section, any officer elected by the Council shall continue in office for a term of one year and until his successor is elected.

Vacancies

(4) Every vacancy occurring in any office, by reason of the incumbent dying, resigning or otherwise ceasing to be a member of the Council during his term of office, shall be filled for the remainder of his term by the Council from among its members. R.S.O. 1960, c. 317, s. 11 (3, 4).

Registrar

(5) The Council may appoint a registrar who need not be a member of the Council and who shall perform such duties as are prescribed by the Council from time to time. 1961-62, c. 113, s. 5 (2).

11. At all meetings of the Council, eight members constitute a Quorum.
quorum. R.S.O. 1960, c. 317, s. 12.

12.—(1) The Council may from time to time appoint committees from among its members. Committees

(2) The Council may delegate to any such committee, subject to such restrictions or conditions as the Council may think fit, any of its powers or duties, other than those referred to in subsection 2 of section 9, and may dissolve any such committee. R.S.O. 1960, c. 317, s. 13. Delegation to committees

13.—(1) The Council shall maintain a roll to be called “The Roll of Public Accountants in Ontario”. Roll of public accountants

(2) The Council shall from time to time cause to be entered on the roll the name and address of every person licensed under this Act and shall cause to be removed therefrom, Entries on and erasures from roll

- (a) the name of every person licensed under this Act who has made application to the Council in the prescribed manner requesting the Council to remove his name from the roll; and
- (b) the name of every person whose licence under this Act has been revoked or has not been renewed in accordance with this Act,

and shall cause any other necessary alterations or corrections to be made therein. R.S.O. 1960, c. 317, s. 14.

14.—(1) Any person, on application to the Council in the prescribed manner and upon payment of the prescribed fee, is entitled to be licensed under this Act if the Council is satisfied that the applicant is of good character and, Qualifications for licence

- (a) that he is a member of the qualifying body; or
- (b) that he was at any time licensed under this Act or a predecessor of this Act; or
- (c) that he is a member of the Certified General Accountants Association of Ontario,
 - (i) who has taken the course of instruction and passed the final examinations of that Association, and
 - (ii) who has had at least three years experience in public accountancy in Ontario, and
 - (iii) who was on the 1st day of April, 1962, a member or a student of that Association. 1961-62, c. 113, s. 6.

(2) The Council may, in special circumstances and subject to subsections 2 and 3 of section 9, either unconditionally or subject to such conditions as it may think fit, exempt any person from one or more of the conditions set forth in subsection 1. Exemption from conditions

Licensees
from other
jurisdictions

(3) The Council may by regulation prescribe the terms and conditions upon which any licensee of a state or province other than Ontario may be exempted from one or more of the conditions set forth in subsection 1, but no such regulation shall be made, amended or repealed unless approved by the votes of at least two-thirds of the members of the Council present and voting thereon. R.S.O. 1960, c. 317, s. 15 (2, 3).

Period of
licence

15. Every licence granted or renewed under this Act becomes effective on and shall bear the date as of which it is granted or renewed and, unless revoked, remains in force until the date prescribed by the Council. R.S.O. 1960, c. 317, s. 16.

Renewal of
licence

16. Any person who is licensed under this Act and who applies to the Council in the prescribed manner and pays the prescribed fee is entitled to have his licence renewed, but nothing in this section prejudices or affects the power of the Council to revoke any licence in accordance with this Act. R.S.O. 1960, c. 317, s. 17; 1961-62, c. 113, s. 7.

Fees

17.—(1) The fee payable for the grant or renewal of a licence shall not exceed \$25.

Recovery
of fees

(2) The Council may sue for and recover any unpaid fees in a court of competent jurisdiction. R.S.O. 1960, c. 317, s. 18.

Powers as to
revocation
of licence

18.—(1) If a person licensed under this Act,

- (a) has been convicted of a criminal offence;
- (b) becomes of unsound mind;
- (c) has been adjudged bankrupt or has made arrangement with his creditors; or
- (d) has been found on inquiry held by the Council to be guilty of conduct disgraceful to him in his capacity as a public accountant,

the Council may, subject to the provisions of this section, revoke his licence.

Notice of
intention
to revoke
and hearing

(2) Where the Council intends to revoke any licence in pursuance of clause *a*, *b* or *c* of subsection 1, the Council shall first cause a written notice of its intention to be served on such person in the prescribed manner and shall on application made by such person within one month from the date of the service of the notice consider any representations with regard to the matter that may be made by him to the Council, either in person or by counsel.

Inquiry

(3) In any case in which it appears to the Council that a person licensed under this Act has been guilty of conduct disgraceful to him in his capacity as a public accountant, the Council may cause an inquiry to be held.

(4) Where an inquiry is to be held under this section, the Council shall forthwith cause to be served on the person concerned a written notice of the proposed inquiry specifying the time and place at which it is to be held and the subject-matter thereof, and the person concerned is on application entitled to be heard at the inquiry either in person or by counsel. R.S.O. 1960, c. 317, s. 19.

Notice of inquiry

19. Where the Council refuses the application of any person for the grant or renewal of a licence, or revokes any licence granted to any person, it shall forthwith cause written notice of such refusal or revocation to be served on such person. R.S.O. 1960, c. 317, s. 20.

Notice of refusal or revocation of licence

20.—(1) No person whose licence has been revoked shall, except as provided in this section, be granted a licence under this Act.

Effect of revocation

(2) A person whose licence has been revoked may, either on his application or on motion of the Council and after inquiry, be granted a new licence and his name may be restored to the roll at the discretion of the Council either without payment of a fee or on payment of such fee as the Council may determine. R.S.O. 1960, c. 317, s. 21.

New licence after revocation

21. Where the Council,

Appeal

- (a) refuses to grant a licence or a new licence;
- (b) refuses to renew a licence; or
- (c) revokes a licence,

the person aggrieved may, within three months from the day on which notice thereof was served on him, apply to the Supreme Court and, upon due cause shown, the court may make an order directing the Council to grant the licence, renew the licence or cancel the revocation of the licence, as the case may be, or may make such other order as may be warranted by the facts, and the Council shall forthwith comply with such order and such order is final. R.S.O. 1960, c. 317, s. 22, *amended*.

22. If any person wilfully procures, or attempts to procure, the granting to him of a licence under this Act, or the renewal of such licence, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing, he is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$250. R.S.O. 1960, c. 317, s. 23.

Obtaining licence by false representation

23.—(1) If any person ceases to be licensed under this Act, he shall, within fourteen days thereafter, transmit his licence to the

Failure to surrender licence

Council for cancellation, and, if he fails to do so, he is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$25, and to a further fine of not less than \$3 and not more than \$5 for every day on which the offence continues after conviction.

Abuse of
licence

(2) Any person who,

- (a) uses a licence issued under this Act to another person; or
- (b) allows a licence issued to him under this Act to be used by any other person; or
- (c) not being licensed under this Act, uses or has in his possession any document purporting to be a licence issued to him under this Act,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100 and, in the case of a continuing offence, to a further fine of not less than \$15 and not more than \$25 for every day on which the offence continues after conviction. R.S.O. 1960, c. 317, s. 24.

Restriction
on use of
title or
carrying on
business
of public
accountant

24.—(1) Subject to the provisions of this section, no person who is not licensed under this Act shall, within Ontario,

- (a) take or use the name or title of "Public Accountant";
- (b) practise as a public accountant; or
- (c) hold himself out as being licensed as a public accountant or use any designation or initials indicating or implying that he is licensed as a public accountant.

Permission
for
non-resident
to practise

(2) Notwithstanding anything in this section, the Council may permit any person who is a non-resident of Ontario to practise as a public accountant within Ontario without a licence under this Act, subject to any terms and conditions that may from time to time be prescribed.

Offence

(3) Any person who contravenes any provision of this section, without prejudice to any other proceedings that may be taken, is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$250 for a first offence and to a fine of not less than \$200 and not more than \$500 for any subsequent offence.

Defence

(4) Where a contravention of this section by any person is occasioned by the fact that his licence has been revoked, it is a good defence to any proceedings in respect of such contravention to prove that, at the time when such contravention is alleged to have been committed, notice of the revocation had not been served in accordance with this Act or the regulations hereunder, or that the time for appealing from the revocation had not expired or an appeal therefrom had been brought and had not been determined. R.S.O. 1960, c. 317, s. 25.

25.—(1) It is not lawful for a body corporate to practise as a public accountant and any body corporate that contravenes the provisions of this subsection, without prejudice to any other proceedings that may be taken, is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$250 for a first offence and to a fine of not less than \$200 and not more than \$500 for any subsequent offence.

Prohibition
against a
body
corporate
carrying on
business
as public
accountant

(2) If a body corporate is guilty of an offence under subsection 1, every director or officer of the body corporate who consented to, or connived at or was responsible for the commission of the offence shall be deemed to be a party to and guilty of the offence and is liable to be proceeded against and fined accordingly. R.S.O. 1960, c. 317, s. 26.

Liability
of directors
and officers

26. No person is entitled to recover any costs incurred or charges made as a public accountant unless such person was licensed under this Act at the time when such costs were incurred or when the services were rendered in respect of which such charges were made. R.S.O. 1960, c. 317, s. 27; 1961-62, c. 113, s. 8.

No costs,
etc.,
recoverable
by
unlicensed
person

27.—(1) The Council shall maintain a fund into which all moneys received by the Council shall be paid and out of which shall be paid all administrative and establishment expenses of the Council and all expenses incurred by the Council in carrying out its functions under this Act and all other liabilities properly incurred by the Council.

Finances

(2) The Council shall manage, administer and keep proper accounts of the fund.

Management
of fund

(3) The Council may invest any moneys standing to the credit of the fund in any security in which trustees are authorized to invest.

Investment
of moneys

(4) The Council may from time to time borrow any moneys required for the purposes of the Council and may mortgage, hypothecate, charge or pledge any or all of its property and assets to secure the amount so borrowed. R.S.O. 1960, c. 317, s. 28.

Borrowing
powers

28.—(1) The Council shall pay,

(a) to the members of the Council such allowances for travelling and subsistence expenses incurred in the discharge of their functions; and

Payment of
expenses,
salaries and
pensions

(b) to the secretary and any other officers and employees of the Council such salaries and remuneration and on retirement or death, such pensions and gratuities,

as the Council may determine.

Dependants of employees

(2) The Council may make provision for the dependants of any of its employees. R.S.O. 1960, c. 317, s. 29.

Audit of accounts

29. The accounts of the Council and of its officers and of any committee appointed by the Council shall be audited annually by a person licensed under this Act and appointed annually by the Council, who shall not be a member of the Council or a person who is in partnership with such a member. R.S.O. 1960, c. 317, s. 30, *amended*.

Accounts to be furnished to qualifying bodies, etc.

30.—(1) Within three months after the end of each financial year, the Council shall forward a copy of the audited accounts of the Council for that year to the qualifying body and to the Provincial Secretary. R.S.O. 1960, c. 317, s. 31 (1); 1961-62, c. 113, s. 9.

Copies

(2) Any person licensed under this Act is entitled upon demand to receive a copy of the audited accounts. R.S.O. 1960, c. 317, s. 31 (2).

Regulations, etc.

31.—(1) Subject to the provisions of this Act, the Council shall or may, as the case may be, prescribe by regulation anything that is by this Act required or authorized to be prescribed and may make such further provisions as may seem to the Council necessary or desirable for carrying out or facilitating any of the purposes of this Act.

Copies

(2) The Council shall on receipt of the prescribed charges supply a copy of any regulation made under this Act and of any forms prescribed by such regulation to any person applying therefor.

Annulment

(3) The Lieutenant Governor in Council may annul any regulation made by the Council under this Act. R.S.O. 1960, c. 317, s. 32.

Authentication of regulations and other documents

32. Every regulation, licence, notice or other document made, granted or issued by the Council for any purpose whatsoever may be signed on behalf of the Council by the secretary or registrar or by such other officer of the Council as may from time to time be authorized by the Council so to do, and when so signed is *prima facie* evidence of such regulation, licence, notice or other document. R.S.O. 1960, c. 317, s. 33; 1961-62, c. 113, s. 10.

Service of documents

33.—(1) Any notice or document required to be given by or for the purposes of this Act may be sent by prepaid mail and when so sent shall be deemed to be properly addressed if addressed to the person or body for whom intended at the latest address of such person or body appearing in the roll or records of the Council.

(2) Any notice relating to,

Idem

(a) the refusal to grant or renew a licence;

(b) the revocation of a licence; or

(c) the removal of the name of any person from the roll,

shall be sent by registered mail. R.S.O. 1960, c. 317, s. 34.

34. Nothing in this Act precludes a registered member of the ^{Saving} Society of Industrial and Cost Accountants of Ontario, or any other person, from practising as an industrial accountant, cost accountant or cost consultant, from designating himself as such or from issuing statements, opinions, reports or certificates in connection with such practice. R.S.O. 1960, c. 317, s. 35; 1961-62, c. 113, s. 11.

35. No action shall be brought against the Council or any ^{Freedom} member or former member thereof that is based on the refusal of ^{from action} the Council to grant or renew a licence or that is based on the revocation by the Council of a licence. R.S.O. 1960, c. 317, s. 36.

CHAPTER 374

The Public Authorities Protection Act

1. In this Act, “justice of the peace” includes a provincial judge, a person who is *ex officio* a justice of the peace and a person who has by law the powers of a justice of the peace, either generally or with regard to any particular matter, and any other person authorized to hear and determine any argument or to try any offence. R.S.O. 1960, c. 318, s. 1, *amended*. Interpretation

2. No action lies or shall be instituted against a justice of the peace for any act done by him in the execution of his duty as such justice with respect to any matter within his jurisdiction as such justice unless the act was done maliciously and without reasonable and probable cause. R.S.O. 1960, c. 318, s. 2. Actions against justices of the peace

3.—(1) For any act done by a justice of the peace in a matter in which by law he does not have jurisdiction, or in which he has exceeded his jurisdiction, or for any act done under a conviction or order made or a warrant issued by him in such matter, any person injured thereby may maintain an action against the justice in the same case as he might have heretofore done, and it is not necessary to allege or prove that the act was done maliciously and without reasonable and probable cause. Where no jurisdiction

(2) Where a conviction or order has been made by a justice of the peace, and a warrant of distress or of commitment has been issued thereon by some other justice of the peace, *bona fide* and without collusion, no action shall be brought against the justice who issued the warrant by reason of any defect in the conviction or order, or for any want of jurisdiction in the justice who made the same, but the action, if any, shall be brought against the justice who made the conviction or order. Where conviction and execution by different justices

(3) No such action as is mentioned in this section shall be brought for anything done under a conviction or order or under a warrant issued by a justice of the peace to procure the appearance of the party, which has been followed by a conviction or order in the same matter, until the conviction or order has been quashed. No action until conviction or order quashed

(4) Where such warrant has not been followed by a conviction or order, or is a warrant upon an information for an indictable offence, if a summons was issued previously to the warrant, and the summons was served upon such party, either personally or by leaving the same for him with some person at his latest or usual No action where summons previously served and not obeyed

place or abode, and he did not appear according to the exigency of the summons, no such action shall be maintained against the justice for anything done under the warrant.

Nor when
order of
protection
made

(5) Notwithstanding this section, no action lies when an order has been made under section 7 for the protection of the justice. R.S.O. 1960, c. 318, s. 3.

Where
acting under
order of
the court

4. Where a justice of the peace refuses to do any act relating to the duties of his office as such justice, the person requiring the act to be done may, upon affidavit stating the facts and upon six days notice to him and also to the party to be affected by the act, apply to a judge of the Supreme Court, or to the judge of the county or district court of the county or district in which the justice resides, for an order directing the act to be done. R.S.O. 1960, c. 318, s. 4.

Where con-
viction, etc.,
confirmed
on appeal

5. Where a justice of the peace has issued a warrant of distress or a warrant of commitment upon a conviction or order that either before or after the issuing of the warrant has been confirmed upon appeal, no action shall be brought against such justice by reason of any defect in the conviction or order or for anything done under the warrant. R.S.O. 1960, c. 318, s. 5.

Where
protection
may be
claimed
notwith-
standing
defects in
proceedings

6.—(1) No defect in an information taken before or in a warrant issued by a justice of the peace prevents him from claiming the benefit and protection of this Act if the court is of opinion that he acted in good faith and that the informant or complainant intended, by the facts stated to the justice, to charge the commission of an offence which, if the same had been set forth in proper form in the information or warrant, would have been one within the jurisdiction of the justice, and in such case the informant or complainant is liable as if the information had charged in proper form the commission of the offence so intended to be charged.

Non-liability
of informant
where
offence not
properly
described

(2) An action shall not be brought against a person who has in good faith laid an information before a justice of the peace or by reason of the information not containing a proper description of the offence or being otherwise defective. R.S.O. 1960, c. 318, s. 6.

Conditions
on quashing
convictions

7.—(1) Where an order is made quashing a summary conviction, the court may provide that no action shall be brought against the justice of the peace who made the conviction or against the informant or any officer acting thereunder or under any warrant issued to enforce the conviction or order.

Order may
be made
conditional

(2) Such an order may be made conditional upon payment of the costs of the motion to quash or upon such other condition as may be considered proper. R.S.O. 1960, c. 318, s. 7.

8. If an action is brought where by this Act it is enacted that no action shall be brought, it may be stayed upon a summary application. R.S.O. 1960, c. 318, s. 8.

When action may be stayed upon summary application

9. Where the plaintiff is entitled to recover, and he proves the levying or payment of any penalty or sum of money under any conviction or order as part of the damages he seeks to recover or if he proves that he was imprisoned under the conviction or order, and seeks to recover damages for the imprisonment, he is not entitled to recover the amount of the penalty or sum so levied or paid, or any sum beyond the sum of 3 cents as damages for the imprisonment, or any costs of suit, if it is proved that he was actually guilty of the offence of which he was convicted, or that he was liable by law to pay the sum he was so ordered to pay, and, with respect to the imprisonment, that he has undergone no greater punishment than that assigned by law for the offence of which he was so convicted, or for non-payment of the sum he was so ordered to pay. R.S.O. 1960, c. 318, s. 9.

Damages nominal in certain cases

10.—(1) No action shall be brought against a constable, small claims court bailiff or other officer, or against any person acting by his order and in his aid, for anything done in obedience to a warrant issued by a justice of the peace or clerk of a small claims court until demand has been made or left at his usual place of abode by the person intending to bring such action or by his solicitor or agent in writing, signed by the person demanding the same, for the perusal and copy of the warrant and the same has been refused and neglected for six days after such demand. R.S.O. 1960, c. 318, s. 10 (1), *amended*.

Actions against constable, small claims court bailiff or other officer

(2) If, after such demand and compliance therewith by showing the warrant to and permitting a copy thereof to be taken by the person demanding the same, an action is brought against such constable, bailiff or officer, or such person so acting, for any cause without making the justice or clerk who issued the warrant a defendant, on the production and proof of the warrant at the trial of the action, judgment shall be given for the defendant notwithstanding any defect of jurisdiction in the justice or clerk.

Dismissal of action

(3) If the action is brought jointly against such justice or clerk and such constable or bailiff or other officer or person so acting, on proof of such warrant, judgment shall be given for the constable or bailiff or other officer and for the person so acting notwithstanding the defect in jurisdiction.

Action brought jointly against justice or clerk and constable or bailiff

(4) If the judgment is given against the justice or clerk, the plaintiff, in addition to any costs awarded to him, is entitled to recover such costs as he is liable to pay to the defendant for whom judgment is given. R.S.O. 1960, c. 318, s. 10 (2-4).

Costs

Action
for act done
under public
authority to
be begun
within six
months

11. No action, prosecution or other proceeding lies or shall be instituted against any person for an act done in pursuance or execution or intended execution of any statutory or other public duty or authority, or in respect of any alleged neglect or default in the execution of any such duty or authority, unless it is commenced within six months next after the act, neglect or default complained of, or, in case of continuance of injury or damage, within six months after the ceasing thereof. R.S.O. 1960, c. 318, s. 11.

Persons
obeying
mandamus
protected

12. No action or other proceeding shall be commenced or prosecuted against any person for or by reason of anything done in obedience to a mandamus or mandatory order. R.S.O. 1960, c. 318, s. 12.

Protection
of those
acting under
ultra vires
statutes

13. No action shall be brought against a judge, justice of the peace or officer for anything done by him under the supposed authority of a statute of Ontario or of Canada that was beyond the legislative jurisdiction of the Legislature or of the Parliament of Canada, as the case may be, if the action would not lie against him had the statute been within the legislative jurisdiction of the Legislature or Parliament that assumed to enact it. R.S.O. 1960, c. 318, s. 13.

Applications
for security
for costs

14. Where an action is brought against a justice of the peace or against any person for any act done in pursuance or execution or intended execution of any public duty, statutory or otherwise, or authority, or in respect of any alleged neglect or default in the execution of any such statute, duty or authority, the defendant may at any time after the service of the writ apply for security for costs if it is shown that the plaintiff is not possessed of property sufficient to answer the costs of the action in case a judgment is given in favour of the defendant, and that the defendant has a good defence upon the merits, or that the grounds of action are trivial or frivolous. R.S.O. 1960, c. 318, s. 14.

Application
of Act

15. This Act does not apply to a municipal corporation. R.S.O. 1960, c. 318, s. 15.

Application
of Act to
sheriffs and
their
officers

16. A sheriff or his officer acting under a writ of execution or other process shall be deemed to be a person acting in the discharge of a public duty or authority within the meaning of this Act. R.S.O. 1960, c. 318, s. 16.

CHAPTER 375

The Public Commercial Vehicles Act**1.** In this Act,Interpre-
tation

- (a) “Board” means the Ontario Highway Transport Board;
- (b) “compensation” includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly;
- (c) “Department” means the Department of Transport;
- (d) “dual-purpose vehicle” means a motor vehicle, other than one commonly known as a passenger car, designed by the manufacturer for the transportation of persons and goods;
- (e) “freight forwarder” means any person not the holder of an operating licence who transports or offers to transport or provides the transportation or offers to provide the transportation of goods on a highway for compensation and who,
 - (i) assembles and consolidates or provides for assembling and consolidating shipments of such goods, and performs or provides for distributing operations with respect to such consolidated shipments, and
 - (ii) assumes responsibility for the transportation of such property from point of receipt to point of destination, and
 - (iii) utilizes a commercial motor vehicle or trailer as defined in *The Highway Traffic Act* or a dual-purpose vehicle for the whole or any part of the transportation of such goods beyond an urban zone;
- (f) “goods” includes all classes of materials, wares and merchandise, live stock and milk;
- (g) “highway” means a highway as defined in *The Highway Traffic Act*;
- (h) “Minister” means the Minister of Transport;
- (i) “owner” means a person registered under *The Highway Traffic Act* as the owner of a motor vehicle;

R.S.O. 1970,
c. 202

R.S.O. 1970,
c. 202

- (j) “operating licence” means a public commercial vehicle operating licence issued under this Act;
- (k) “public commercial vehicle” means a commercial motor vehicle or trailer as defined in *The Highway Traffic Act* or a dual-purpose vehicle operated on a highway by, for, or on behalf of any person for the transportation for compensation of goods of any other person and not confined in its operation to one urban zone, but does not include a commercial motor vehicle or trailer used only for the transportation from a farm or forest of goods other than live stock and milk that are the product of such farm or forest;
- (l) “regulations” means the regulations made under this Act;
- (m) “tank truck vehicle” means a commercial motor vehicle, trailer or semi-trailer used for or capable of being used for the transportation of products in bulk and which contains or to which there is attached or upon which there has been placed either permanently or otherwise a closed tank or container having a capacity of 500 gallons or more;
- (n) “toll” means any fee or rate charged, levied or collected for the transportation of goods or for use of a public commercial vehicle;
- (o) “transportation” with respect to goods means the transportation, carriage, shipment, care, handling, storage or delivery thereof;
- (p) “urban zone” means an area consisting of one urban municipality and lands adjacent thereto and within a distance of three miles therefrom, but does not include any part of any other urban municipality;
- (q) “vehicle licence” means a public commercial vehicle licence issued under this Act. R.S.O. 1960, c. 319, s. 1; 1961-62, c. 114, s. 1; 1968, c. 105, s. 1.

Operating
licence
required

2.—(1) No person shall operate a public commercial vehicle,

- (a) except under an operating licence; or
- (b) in contravention of the terms and conditions of the operating licence. R.S.O. 1960, c. 319, s. 2 (1).

Certain
leases
prohibited

(2) No person shall enter into a lease of a commercial motor vehicle or trailer as defined in *The Highway Traffic Act* or a dual-purpose vehicle where,

- (a) the lessor of such vehicle engages or pays directly or indirectly the driver of such vehicle; or
- (b) the lessor in any manner whatsoever exercises any

control over the driver in the course of his employment as a driver of such vehicle; or

(c) the lessee of such vehicle does not acquire or exercise absolute possession of and control over the operation of the vehicle under the lease; or

(d) the lessor of such vehicle in any manner whatsoever assumes any responsibility for any goods transported by the vehicle. 1968, c. 105, s. 2.

(3) No person shall operate a public commercial vehicle unless the vehicle is licensed as a public commercial vehicle under this Act.

Vehicle
licence
required

(4) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of goods by means of a vehicle operated on a highway by, for or on behalf of any person who receives compensation, either directly or indirectly, for such transportation, unless the person by, for or on behalf of whom the vehicle is operated is licensed under this Act to perform the transportation that is the object of such advertising or undertaking. R.S.O. 1960, c. 319, s. 2 (3, 4).

Advertising
by
unlicensed
persons

3.—(1) In this section, “lease” includes a transfer of the permit issued for a commercial motor vehicle under *The Highway Traffic Act* where the permit is transferred by the registered owner of the vehicle to a shipper or consignor of goods that are to be transported on the vehicle, subject to an agreement to retransfer the permit to the owner. 1961-62, c. 114, s. 3, *part*.

Interpre-
tation
R.S.O. 1970,
c. 202

(2) Where goods are transported on a highway by a commercial motor vehicle or trailer as defined in *The Highway Traffic Act* or a dual-purpose vehicle that is operated under a lease to the shipper or consignor of such goods, the Minister may direct the Board to conduct a hearing of the facts relating to the transportation for the purpose of determining whether or not the vehicle transporting the goods is a public commercial vehicle, and sections 10 and 11 of *The Ontario Highway Transport Board Act* apply in respect of such hearing. 1968, c. 105, s. 3 (1).

Hearing re
transporta-
tion of
goods by a
vehicle
under a
lease

R.S.O. 1970,
cc. 202, 316

(3) Where the Board conducts a hearing under subsection 2, the Board shall furnish to the Minister a copy of its decision. 1961-62, c. 114, s. 3, *part*.

Copy of
decision to
Minister

(4) Where, under subsection 2, the Board determines that a vehicle is a public commercial vehicle, the Minister may, under subsection 4 of section 6 of *The Highway Traffic Act*, cancel the permit of any vehicle operated under the lease. 1961-62, c. 114, s. 3, *part*; 1968, c. 105, s. 3 (2).

Where
vehicle
deemed a
commercial
motor
vehicle

Agents

4.—(1) No person other than a duly authorized agent of an owner of a public commercial vehicle shall carry on the business of an agent for the transportation of goods upon the highways.

Agency
authority

(2) A duly authorized agent of an owner of a public commercial vehicle shall be appointed in writing and such appointment shall be signed by the owner and shall at all times be kept posted up and displayed in a conspicuous place on the premises at which the agent conducts the agency business. R.S.O. 1960, c. 319, s. 3.

Approval
of Board

5.—(1) No operating licence shall be issued without the approval of the Board being first obtained as evidenced by the Board's certificate of public necessity and convenience furnished to the Minister and then only in accordance with the certificate. R.S.O. 1960, c. 319, s. 4 (1).

Application
to dump
truck
operation

(2) Subsection 1 does not apply to the issue of an operating licence for the transportation, except by a tank truck vehicle, of,

- (a) sand, gravel, earth, crushed or uncut rock and stone, slag and rubble; or
- (b) salt, calcium chloride, a mixture of sand and salt, and asphalt mixes directly to highway construction or maintenance sites or to stock piles for further use on highway construction or maintenance sites. 1968, c. 105, s. 4.

Renewal
of licence

(3) The approval of the Board to a renewal of a licence is not required unless the Minister refers the application for renewal to the Board. R.S.O. 1960, c. 319, s. 4 (2).

Alteration
of licence

(4) The Minister may at any time refer an operating licence to the Board with a recommendation that the terms and conditions of the licence be reviewed.

Powers of
Board

(5) On any application or reference to the Board, the Board has and may exercise all powers necessary for the purposes of this Act, and may give or refuse such certificate and make such order as it considers just. R.S.O. 1960, c. 319, s. 4 (4, 5).

Approval
and fee on
transfer
of licence

(6) No operating licence shall be transferred without the written approval of the Board and payment of the fee prescribed under the regulations, and the Board is not bound to grant approval under any circumstances. 1961-62, c. 114, s. 5.

Issue or
transfer of
shares of
corporation

6. The Board may in its discretion require the directors of a corporation that is the holder of an operating licence to present to the Board for approval any issue or transfer of shares of its capital stock, and where, in the opinion of the Board, a substantial interest is issued or transferred, such issue or transfer shall be deemed to constitute a transfer of all operating licences held by

such corporation, and the corporation shall forthwith pay the fees prescribed by the regulations for the transfer of operating licences. 1961-62, c. 114, s. 6.

7. Operating and vehicle licences shall be issued by the Minister and are subject to the regulations and the terms and conditions of the licence. R.S.O. 1960, c. 319, s. 6.

Issue of
licences

8. An operating licence may confer special or limited rights with respect to the operation of public commercial vehicles and with respect to any highway or highways or portions thereof described in the licence. R.S.O. 1960, c. 319, s. 7.

Rights
limited
by licence

9.—(1) A vehicle licence may fix the tonnage that the vehicle may carry, and no vehicle shall at any time carry more tonnage than is fixed by the licence.

Tonnage

(2) Every public commercial vehicle shall, while operated on a highway, have attached thereto and exposed in a conspicuous position a licence plate issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year. R.S.O. 1960, c. 319, s. 8.

Licence
plate to be
plainly
exposed

10. The Minister may at any time cancel or suspend any licence by reason of a breach of this Act or *The Highway Traffic Act* or of the regulations hereunder or thereunder, or for any reason set out in the regulations. R.S.O. 1960, c. 319, s. 9.

Cancellation
and
suspension
of licences
R.S.O. 1970,
c. 202

11. No operating licence shall be transferred except with the written approval of the Minister. R.S.O. 1960, c. 319, s. 10.

Transfer of
operating
licences

12.—(1) No person shall operate as a freight forwarder unless he is the holder of a freight-forwarder's licence.

Freight-
forwarder's
licence

(2) Freight-forwarders' licences shall be issued by the Minister and are subject to the regulations and the terms and conditions of the licence. 1968, c. 105, s. 5.

Issue

13. Every person licensed under this Act shall provide or effect and carry such insurance or bond as is prescribed by the regulations. R.S.O. 1960, c. 319, s. 11.

Insurance

14.—(1) Every insurer who has issued a policy of insurance in accordance with section 13 shall issue a certificate thereof which shall be filed with the Minister.

Certificate
of insurance

(2) Such certificate shall be deemed to be a conclusive admission by the insurer that the policy has been issued and is in accordance with the terms of the certificate.

Effect of
certificate

Notice of
cancellation
or expiry of
insurance

(3) Every insurer shall notify the Minister in writing of the cancellation or expiry of any policy for which a certificate has been issued, at least thirty days before the effective date of the cancellation or expiry, and in the absence of such notice of cancellation or expiry the policy remains in full force and effect. R.S.O. 1960, c. 319, s. 12.

Cancellation
of expiry
of bond

15. A bond issued in accordance with section 13 shall not be cancelled or expire except after thirty days written notice to the Minister, but not after the happening of an injury or damage secured by the bond as to such accident, injury or damage, and the bond shall be filed with the Minister. R.S.O. 1960, c. 319, s. 13.

Offences

16. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$200. R.S.O. 1960, c. 319, s. 14 (1); 1968, c. 105, s. 6.

Consent to
prosecutions

17. No prosecution shall be instituted under this Act without the consent of a member of the Ontario Provincial Police Force or of an officer of the Department designated by the Minister to assist in the enforcement of this Act. R.S.O. 1960, c. 319, s. 15.

Regulations

18. The Lieutenant Governor in Council may make regulations,

- (a) governing the issue, renewal, transfer, suspension and cancellation of licences and classes of licences;
- (b) prescribing fees and the basis for computing fees, and respecting payment thereof;
- (c) exempting any person or the holder of any class or type of operating licence from the payment of fees respecting the transfer of an operating licence;
- (d) prescribing terms and conditions to which licences shall be subject;
- (e) requiring any person to whom an operating licence is issued to produce a certificate of mechanical fitness respecting any or all vehicles operated under such licence, and prescribing the form and content of a certificate of mechanical fitness;
- (f) fixing the form, amount, nature, class, terms and conditions of insurance or bond that shall be provided and carried by persons licensed under this Act;
- (g) prescribing the terms and conditions of cancellation, expiry, renewal, extension and notice of cancellation respecting such insurance or bonds;

- (h) governing the filing of bonds and certificates of insurance;
 - (i) respecting the publication, filing and posting of tariffs of tolls, and the payment of tolls;
 - (j) providing for the examination of public commercial vehicles, their contents and equipment by officers of the Department and members of the Ontario Provincial Police Force;
 - (k) prescribing, regulating and limiting the hours of labour of drivers of public commercial vehicles;
 - (l) prescribing the qualifications of drivers of public commercial vehicles;
 - (m) prescribing equipment to be carried by public commercial vehicles and the condition and location in which the equipment shall be kept;
 - (n) prescribing the method of bookkeeping or accounting to be used and the returns or statements to be filed, and providing for the examination by officers of the Department of all books, records and documents;
 - (o) prescribing the method of handling cash on delivery shipments and the collection and remittance of cash on delivery funds;
 - (p) prescribing the form of or conditions in the bill of lading to be used;
 - (q) providing for the delegation to an officer of the Department of such of the powers and duties of the Minister as may be considered necessary;
 - (r) providing for the temporary exemption from any of the provisions of this Act or the regulations of such public commercial vehicles carrying goods into, out of, or through Ontario or such persons operating such vehicles as he may designate upon such terms, limitations and conditions as he may prescribe;
 - (s) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 319, s. 16; 1961-62, c. 114, s. 7; 1968, c. 105, s. 7.
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CHAPTER 376

The Public Halls Act

1. In this Act,

- (a) “owner” means a person who has in respect of premises an estate for life or a greater estate, legal or equitable, or a leasehold estate;
- (b) “public hall” means a building, including a portable building or tent with a seating capacity for over 100 persons that is offered for use or used as a place of public assembly, but does not include a theatre within the meaning of *The Theatres Act* or a building, except a tent, used solely for religious purposes. R.S.O. 1960, c. 320, s. 1.

Interpre-
tation

R.S.O. 1970,
c. 459

2. No public hall shall be offered for use or used as a place of public assembly unless the owner thereof holds a licence therefor from the city, town, village or township in which it is located, or where it is located in a city having a population of not less than 100,000, from the board of commissioners of police of the city. R.S.O. 1960, c. 320, s. 2.

Licence
required

3. Any owner who contravenes section 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500 and in default of payment of the fine imposed or in addition to such fine, to imprisonment for a term of not more than six months. R.S.O. 1960, c. 320, s. 3.

Offence

CHAPTER 377

The Public Health Act**1.** In this Act,Inter-
pretation

- (a) “communicable disease” means any contagious or infectious disease, and includes smallpox, chickenpox, diphtheria, scarlet fever, typhoid fever, measles, German measles, glanders, cholera, erysipelas, tuberculosis, mumps, anthrax, bubonic plague, rabies, poliomyelitis and cerebro-spinal meningitis, and any other disease declared by the regulations to be a communicable disease;
- (b) “Department” means the Department of Health;
- (c) “Deputy Minister” means the Deputy Minister of Health;
- (d) “food and dairy inspector” means a food and dairy inspector appointed under this Act;
- (e) “full-time public health services” means the public health services provided by medical officers of health, public health nurses or public health inspectors who are employed full-time by the Department, a municipality or the board of health of a health unit, and includes such other full-time public health services as the regulations prescribe;
- (f) “health unit” means a health unit established under this Act;
- (g) “house” or “household” includes a dwelling house, lodging house and hotel, and also includes a students’ residence, fraternity house or other building in which any person in attendance as a student, pupil or teacher or employed in any capacity in or about a university, college, school or other institution of learning resides or is lodged;
- (h) “householder” includes the proprietor, master, mistress, manager, housekeeper, janitor and caretaker of a house;
- (i) “local board” means the local board of health for a municipality or of a health unit;

- (j) "medical and dental inspection" means medical and dental inspection and dental treatment;
- (k) "medical officer of health" means the medical officer of health of a municipality or of a health unit appointed under this Act or, in unorganized territory, a medical officer of health appointed by the Department for a specified area;
- (l) "member of a household" means a person residing, boarding or lodging in a house;
- (m) "milk" includes whole milk and such products of milk as are supplied, processed, distributed or sold in any form other than butter or cheese;
- (n) "Minister" means the Minister of Health;
- (o) "municipality" does not include a county;
- (p) "occupier" means the person in occupation or having the charge, management or control of any premises, whether on his own account or as an agent;
- (q) "owner" means the person for the time being receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the rent if such land or premises were let;
- (r) "pasteurization" means the process of heating every particle of milk to a temperature of not less than 143°F., of holding it at such temperature for not less than thirty minutes, or such other temperature and time as is set by the Lieutenant Governor in Council, and of cooling it immediately thereafter to 50°F. or lower, and "pasteurized" has a corresponding meaning;
- (s) "premises" means any land or any building, public or private, sailing, steam or other vessel, any vehicle, steam, electric or street railway car for the conveyance of passengers or freight, any tent, van or other structure of any kind, any mine, or any stream, lake, drain, ditch or place, open, covered or enclosed, public or private, natural or artificial, and whether maintained under statutory authority or not;
- (t) "regulations" means the regulations made under this Act;
- (u) "street" includes any highway, any public bridge and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not. R.S.O. 1960, c. 321, s. 1; 1960-61, c. 80, s. 1; 1967, c. 79, s. 1.

2. Where by this Act powers are conferred or duties imposed upon the Department, such powers may be exercised and duties discharged by the Minister. Powers of Minister R.S.O. 1960, c. 321, s. 2.

3.—(1) The Lieutenant Governor in Council may appoint a legally qualified medical practitioner of at least five years standing to be Chief Inspector of Health. Chief Inspector of Health

(2) The Chief Inspector of Health may exercise, anywhere in Ontario, any of the powers conferred by this Act on medical officers of health, and he shall act under the direction of the Minister and shall perform such duties as are assigned to him by the Minister or by the Deputy Minister. Duties and powers R.S.O. 1960, c. 321, s. 3.

4. It is the duty of the Department and it has power, Duties and powers of Department:

- (a) to make investigations and inquiries respecting the causes of disease and mortality in Ontario or in any part thereof;
- (b) to advise the officers of the Government in regard to public health generally, and as to drainage, water supply, disposal of garbage and excreta, heating, ventilation and plumbing of premises;
- (c) to exercise a careful oversight of vaccine matter and serum produced or offered for sale in Ontario, or manufacture the same if considered advisable, and as far as possible prevent its sale when found to be impure or inert, and ensure that a supply of proper vaccine matter is obtainable at all times at such vaccine farms and other places as are subject to inspection by the Department;
- (d) to determine whether the existing condition of any premises or of any street or public place, or the method of manufacture or business process, or the disposal of sewage, trade or other waste, garbage or excrementitious matter is a nuisance or injurious to health;
- (e) to inspect all correctional institutions, homes for the aged, sanatoria, hospitals, sanatoria, orphanages, homes or places of refuge, charitable institutions and other public or private institutions for the safekeeping, custody or care of any person confined therein by process of law, or received or cared for therein at his own charges or by public or private charity, and ensure that such institutions are kept in a proper sanitary condition and that this Act and the regulations are complied with;
- (f) to make public distribution of sanitary literature, especially during the prevalence in any part of Ontario of any communicable disease, and pay particular attention

to all matters relating to the prevention and spread of communicable diseases in such manner as the Department considers best to control any outbreak;

- (g) to enter into and go upon any premises in the exercise of any power or the performance of any duty under this Act, and make such orders and give such directions with regard to the structural alteration of the premises or with respect to any other matter as the Department considers advisable in the interests of the public health. R.S.O. 1960, c. 321, s. 4, *amended*.

Investigation as to disease and mortality

R.S.O. 1970, c. 379

Investigation as to unsanitary conditions and nuisances

Removal or abatement

M.O.H., appointment of

Regulations: prevention or mitigation of disease

cleansing streets and premises
removal of nuisances, etc.

5.—(1) The Minister may direct an officer of the Department to investigate the causes of any communicable disease or mortality in any part of Ontario, and the person so directed may take evidence on oath or otherwise, as he considers expedient, and, for the purposes of such investigation, possesses all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

(2) Where it appears to the Department that any unsanitary condition or nuisance exists in a municipality and that the local board has on a proper representation of the facts neglected or refused to take such measures as may remove such condition or abate such nuisance, the Minister may direct an investigation under subsection 1.

(3) If upon such investigation it is found that a remediable unsanitary condition or nuisance exists, the Department may direct its immediate removal or abatement by the person responsible therefor and, if such person neglects or refuses after three days notice by the Department to remove or abate the same, may cause such removal or abatement to be made, and the treasurer of the municipality shall forthwith pay out of any money of the municipality any expenses incurred under any such order.

(4) Where it appears to the Department to be in the interests of the public health, the Minister may appoint the medical officer of a Government institution a medical officer of health with duties confined to the institution and to the inmates and staff thereof. R.S.O. 1960, c. 321, s. 5.

6. The Minister, with the approval of the Lieutenant Governor in Council, may make regulations for,

1. the prevention or mitigation of disease;
2. the frequent and effectual cleansing of streets, yards and premises;
3. the removal of nuisances and unsanitary conditions;

4. the cleansing, purifying, ventilating and disinfecting of premises by the owners and occupiers or other persons having the care or ordering thereof; cleansing and disinfecting premises
5. regulating, so far as the Legislature has jurisdiction in that behalf, the entry and departure of boats or vessels at the different ports or places in Ontario, and the landing of passengers or cargoes from such boats or vessels or from railway carriages or cars, and the receiving of passengers or cargoes on board the same, for the purpose of preventing the spread of any communicable disease; passenger traffic
6. the safe and speedy interment or disinterment of the dead, the transportation of corpses and the conduct of funerals; burials
7. the supplying of such medical aid, medicine and other articles and accommodations as the Department considers necessary for preventing or mitigating an outbreak of any communicable disease. R.S.O. 1960, c. 321, s. 6, pars. 1-7. checking communicable diseases
8. designating any substance, other than insulin, for the control or treatment of diabetes and prescribing the terms and conditions upon which he may supply, or contribute towards the cost of supplying, free of charge to indigent persons under section 60 insulin or any designated substance, and the forms to be used in connection therewith, and requiring and providing for the payment by the municipality in which the indigent person resides of a contribution towards the cost thereof in an amount not to exceed 25 per cent of such cost; 1964, c. 93, s. 1 (1). insulin, etc.
9. the inspection of premises by the local board or medical officer of health, or an officer of the Department, and the cleansing, purifying and disinfecting of anything contained therein when required by the local board or officer, at the expense of the owner or occupier, and for detaining for such purpose any steamboat, vessel, railway carriage or car or public conveyance and anything contained therein and any person travelling thereby; inspection for the purpose of disinfection
10. entering and inspecting any premises used for human habitation in any locality in which conditions exist that, in the opinion of the Department, are unsanitary, or such as to render the inhabitants specially liable to disease, and for directing the alteration or destruction of any such building that is, in the opinion of the Department, unfit for human habitation; ordering alteration or destruction

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| preventing overcrowding | 11. preventing the overcrowding of premises used for human habitation by limiting the number of dwellers in such premises and the amount of air space to be allowed for each dweller therein; |
| preventing travel by persons exposed to infection | 12. preventing the departure of persons from infected localities and for preventing persons or conveyances from passing from one locality to another, and for detaining persons who or conveyances that have been exposed to infection for inspection or disinfection until the danger of infection is past; R.S.O. 1960, c. 321, s. 6, pars. 9-12. |
| vaccination | 13. requiring the vaccination, revaccination or quarantine of persons for the purposes of sections 66 and 67 and governing and regulating such vaccination, revaccination and quarantine, and classifying persons for the purposes thereof; 1964, c. 93, s. 1 (2). |
| public health inspectors | 14. regulating the appointment of public health inspectors to be paid by the municipality in which they act for the purpose of enforcing this Act or the regulations, or any by-law in force in the municipality; R.S.O. 1960, c. 321, s. 6, par. 13; 1966, c. 125, s. 1 (1). |
| surveillance | 15. the removal or keeping under surveillance of persons living in infected localities; |
| taking possession of premises | 16. authorizing the taking possession by a municipal corporation, local board or medical officer of health, for any of the purposes of this Act, of any land or unoccupied building; |
| health and summer resorts and inland waters | 17. the sanitary precautions to be taken in health resorts, summer resorts and upon boats or other vessels plying upon lakes, rivers, streams and other inland waters, and for preventing the pollution of such waters by the depositing therein of sewage, excreta, vegetable, animal or other matter or filth; |
| general | 18. any other matter that, in the opinion of the Department, the general health of the inhabitants of Ontario or of any locality may require; R.S.O. 1960, c. 321, s. 6, pars. 14-17. |
| community health services | 19. authorizing local boards to establish, maintain and operate such facilities for community health services as are prescribed and governing their establishment, operation and use; 1961-62, c. 115, s. 1. |
| manufacture of beverages | 20. the manufacture of non-intoxicating beverages and distilled and mineral water, and the manufacture of syrups, wines and brewed beers; |

21. the inspection and licensing of plants and premises for the manufacture of non-intoxicating beverages and distilled and mineral water, and the manufacture of syrup, wines and brewed beers; inspecting, etc., beverage plants and premises
22. prescribing the duties and powers of officers designated under section 12; duties of officers
23. the medical and dental inspection and dental treatment of pupils in public, separate, and secondary schools, where such inspection and treatment is undertaken by local boards under this Act, and for the apportionment and payment of all moneys appropriated by the Legislature for that purpose; R.S.O. 1960, c. 321, s. 6, pars. 18-21. medical and dental inspection in schools
24. prescribing the amounts, terms and conditions applicable to the payment of grants under section 21 or 22 and designating non-profit organizations or institutions for the purpose of section 22;
25. prescribing services in addition to those mentioned in clause *e* of section 1; 1967, c. 79, s. 2 (1).
26. regulating the pasteurization of milk and prescribing the form and the conditions under which a certificate of approval may be issued to any plant in which milk is pasteurized or in which milk products are prepared; R.S.O. 1960, c. 321, s. 6, par. 22. pasteurization of milk
27. providing for courses of instruction and prescribing qualifications for medical officers of health, public health inspectors, food and dairy inspectors and public health nurses; R.S.O. 1960, c. 321, s. 6, par. 23; 1966, c. 125, s. 1 (2). courses for officers, etc.
28. prescribing the duties of medical officers of health, public health inspectors, food and dairy inspectors and public health nurses, in relation to public health matters not specifically provided for by this Act; R.S.O. 1960, c. 321, s. 6, par. 24; 1966, c. 125, s. 1 (3). duties of officers, nurses, etc.
29. defining industrial wiping rags and prescribing methods of processing or preparing such rags for use in industry, and regulating the sale or the offering for sale of such rags, and prohibiting the sale or the offering for sale of such rags that have not been processed or prepared as prescribed by the regulations; 1962-63, c. 113, s. 1 (2); 1965, c. 106, s. 1. industrial wiping rags
30. governing, regulating and prohibiting the procurement, transportation, handling and sale of water for human consumption by tank truck or otherwise, and requiring sale of drinking water

the approval of the medical officer of health to the procurement, transportation, handling and sale of such water; 1965, c. 106, s. 1, *part*.

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| camps and resorts | 31. defining, regulating and licensing summer camps, summer resorts and agricultural camps but not including premises commonly known as tourist camps, boarding houses or lodging houses; R.S.O. 1960, c. 321, s. 6, par. 30. |
| health facilities | 32. licensing, regulating and controlling designated classes of public health and medical laboratories, radiological clinics for diagnosis and therapy, prosthetic and orthotic establishments and such other classes of health facilities as the regulations may designate; |
| Idem | 33. prescribing qualifications for persons operating or engaged in a health facility of any class licensed under paragraph 32; 1967, c. 79, s. 2 (3). |
| location, construction, etc., of dwellings | 34. prescribing standards for the location, construction, alteration, repair and equipment of premises to be used as dwellings; |
| cold storage plants | 35. prescribing standards for the construction, operation and maintenance of premises used for public cold storage of food for human consumption and requiring licences for such premises and fixing an annual licence fee of not more than \$5; R.S.O. 1960, c. 321, s. 6, pars. 33, 34. |
| swimming pools | 36. defining public swimming pools and governing and prohibiting the construction, alteration, repair, location, operation, maintenance and use of public swimming pools, and classifying public swimming pools and exempting any class from the requirements of any provision of the regulations, and requiring the installation and maintenance of safety equipment, attendance of qualified life guards and other staff, and other matters or things required for the safety or protection of bathers in public swimming pools; 1964, c. 93, s. 1 (3). |
| expectant mothers and infants
R.S.O. 1970, c. 378 | 37. prescribing the manner, method, times and conditions of payment of the grants to hospitals approved under <i>The Public Hospitals Act</i> for the establishment and operation of accommodation and facilities for the care and treatment of expectant mothers and infants; |
| food standards | 38. prescribing standards for the construction, operation and maintenance of premises where food or drink for human consumption is manufactured, processed or handled; |

39. regulating or restricting the manufacturing, processing, preparing, selling or offering for sale of any food or drink for human consumption; food handling
40. providing for the payment of grants for the maintenance of isolation hospitals, the methods of determining the amounts of such grants and the manner and times of payment of such grants and for withholding such grants and making deductions therefrom; grants for maintenance of isolation hospitals
41. designating institutions to which the Minister may make contributions toward the cost of the maintenance, treatment and special treatment of persons in such institutions who are suffering from poliomyelitis or from impairment of muscular function as a result of having been infected with poliomyelitis and prescribing the methods of determining the amounts of contributions and the manner and times of payment thereof; R.S.O. 1960, c. 321, s. 6, pars. 36-41. contributions for poliomyelitis treatment
42. regulating, restricting or prohibiting the installation, use, movement, handling, maintenance, storage or disposal of sources of ionizing radiation. R.S.O. 1960, c. 321, s. 6, par. 42; 1966, c. 125, s. 1 (4). ionizing radiation
43. governing, regulating and restricting the storage, collection and disposal of refuse, and the location and operation of refuse disposal areas. R.S.O. 1960, c. 321, s. 6, par. 43. disposal of refuse
44. designating hospitals, sanatoria and other institutions for the purpose of section 59, and prescribing and regulating the reports mentioned therein. 1966, c. 125, s. 1 (5). cancer surveys

7.—(1) Any regulation made under section 6 may be limited as to time or place or to both. Regulations may be limited

(2) Regulations heretofore made shall be deemed to be general in their application unless such application is inconsistent with the intent and purpose of such regulations. R.S.O. 1960, c. 321, s. 7. Regulations heretofore made

8. In the event of conflict between, Conflict

(a) any regulation; and

(b) any by-law passed by a municipality or any by-law passed under section 126 by the board of health of a health unit,

the regulation prevails. 1966, c. 125, s. 2.

Powers of
officers of
the Depart-
ment

9. The Deputy Minister, the district officers of health, the provincial public health inspectors in unorganized areas, and any other officer of the Department specially authorized for the purpose, possess all the powers conferred upon a medical officer of health and the officers of a local board by this Act or by the regulations. R.S.O. 1960, c. 321, s. 9; 1966, c. 125, s. 3.

Health dis-
tricts and
district
officers

10.—(1) The Lieutenant Governor in Council may divide Ontario for the purposes of this section into not more than ten health districts and may appoint a legally qualified medical practitioner to be known as the district officer of health for each such district.

Salaries,
etc., of
district
officers
of health

(2) Every district officer of health shall be paid such salary as is fixed by the Lieutenant Governor in Council and his actual and necessary travelling and other expenses incurred in the discharge of his duties, and such salary and expenses are payable out of such sums as are appropriated by the Legislature for that purpose. R.S.O. 1960, c. 321, s. 10 (1, 2).

District
officers of
health,
duties of

(3) Every district officer of health,

(a) is within his district the official representative of the Department and, subject to the approval of the Minister or the Deputy Minister, has general control of statutory organization for public health;

(b) for the promotion of public health and for the protection of the inhabitants from communicable disease, has authority, subject to the approval of the Minister, to enforce this Act and the regulations and is responsible through the local medical officer of health for the enforcement of this Act and the regulations; and

(c) has, for the further effective carrying out of this Act and the regulations, all the powers and rights and authority to perform all the functions and duties of the local medical officer of health or the public health inspector under this Act. R.S.O. 1960, c. 321, s. 10 (3); 1966, c. 125, s. 4 (1).

May act in
other
districts

(4) Whenever required so to do by the Department, a district officer of health has the same authority and shall perform the same duties in any part of Ontario as he might do in the district for which he is appointed.

To act
under
Depart-
ment

(5) Every district officer of health shall act under the supervision and control of the Department, and shall report to it at least monthly, and at such other times as are required, and shall in such report give such information as is required by the Department or by the regulations. R.S.O. 1960, c. 321, s. 10 (4, 5).

(6) The Department, every district officer of health and inspector, and every medical officer of health and public health inspector have authority to enforce the by-law set out in Schedule B, or any amendment thereof approved by the Department, and any by-law respecting the milk supply of, and any other by-law respecting sanitary matters in, a municipality, and for such purpose may institute proceedings for the prosecution of offenders against any of the said by-laws. R.S.O. 1960, c. 321, s. 10 (6); 1966, c. 125, s. 4 (2).

Enforce-
ment of
sanitary
by-laws

(7) A district officer of health may summon a special meeting of a local board for public health purposes.

Authority
to call
special
meeting

(8) In territory without municipal organization, a district officer of health has the same rights and powers and shall perform the same duties as are conferred and imposed upon the local municipal councils, local boards and local medical officers of health in the administration and enforcement of this Act and *The Venereal Diseases Prevention Act*. R.S.O. 1960, c. 321, s. 10 (7, 8), *amended*.

Powers of
district
officer of
health in
unorganized
territory

R.S.O. 1970,
c. 479

11. The Minister may establish and maintain clinical laboratory centres at such places and with such buildings, appliances and equipment as he considers proper and may give directions from time to time as to the operation of such laboratory centres, the nature and extent of the work to be done and the supplies necessary therefor, and the cost of establishing, furnishing and maintaining any clinical laboratory under this section shall be borne and paid out of such moneys as are appropriated by the Legislature for that purpose. R.S.O. 1960, c. 321, s. 11.

Clinical
laboratory
centres

12. The Minister may designate which officers of the Department shall inspect and supervise the work of school medical officers, dental officers and nurses appointed by boards of education, school boards or local boards of health for the purpose of medical and dental inspection in public, separate, and secondary schools throughout Ontario, and such officers shall perform all duties required of them by the Department and by this Act, *The Public Schools Act*, *The Separate Schools Act*, *The Department of Education Act*, or any other Act or any regulations made thereunder with respect to such medical and dental inspection. R.S.O. 1960, c. 321, s. 12, *amended*.

Designation
of officers to
supervise,
etc., medical
and dental
work in
schools

R.S.O. 1970,
cc. 385, 430,
111

LOCAL BOARDS OF HEALTH

13.—(1) There shall be a local board of health for every municipality in Ontario, except where a health unit is established under this Act.

Local
boards:

(2) In a city and in every town having a population of 4,000 or over according to the enumeration of the assessors for the last

in cities and
in towns of
4,000 or
over

preceding year, the local board shall consist of the mayor, the medical officer of health and three resident ratepayers to be appointed annually by the council at its first meeting in every year.

in cities
over
100,000

(3) In a city having a population of 100,000 or over according to the enumeration of the assessors for the last preceding year, the council may by by-law provide that the local board shall consist of the mayor, the medical officer of health and,

(a) five resident ratepayers, at least two of whom are not members of the council; or

(b) seven resident ratepayers, at least three of whom are not members of the council.

appointment
of resident
ratepayers

(4) The resident ratepayers referred to in clauses *a* and *b* of subsection 3 shall be appointed annually by the council at its first meeting in every year.

in towns of
less than
4,000,
villages
and town-
ships, etc.

(5) In a town having a population of less than 4,000 according to the enumeration of the assessors for the last preceding year and in every village, township and improvement district, the local board shall consist of the head of the municipality, the medical officer of health and one resident ratepayer appointed annually by the council at its first meeting in every year.

in townships
of 4,000
or over

(6) In a township having a population of 4,000 or over according to the enumeration of the assessors for the last preceding year, the council may by by-law provide for the addition of four resident ratepayers to the local board to be appointed annually by the council at its first meeting in every year.

appoint-
ment of
member of
council
secretary

(7) One or more members of the council may be appointed to be members of the local board.

(8) The local board shall have a secretary, and, unless otherwise provided by the council, the clerk shall be the secretary.

where
health unit
established

(9) Where a health unit is established, the local board thereof shall be constituted and appointed as provided by the regulations, and such local board shall take the place of the local board or boards which but for the establishment of the health unit would exist in the municipality or municipalities forming the health unit. R.S.O. 1960, c. 321, s. 13.

Corporate
name

14. Every local board is a corporation by the name of "The Local Board of Health of the City (*or as the case may be*) of" (*inserting the name of the municipality*). R.S.O. 1960, c. 321, s. 14.

Meetings

15.—(1) A local board shall hold at least four meetings in each year at a time and place to be fixed by resolution of the board, and such other meetings as are prescribed by the regulations or required by the board.

(2) At the first meeting of a local board in every year, which shall be held not later than the 1st day of February, the board shall elect one of its members to be chairman. R.S.O. 1960, c. 321, s. 15. Chairman

16. Any member of a local board may call a special meeting thereof at any time by giving notice in writing to the other members of the board and to the secretary. R.S.O. 1960, c. 321, s. 16. Special meetings

17. The clerk of the municipality shall report to the Department the names and addresses of the members of the local board in each year on or before the 1st day of February, and he shall so report any change occurring during the year in the membership of the board. R.S.O. 1960, c. 321, s. 17. Clerk to report membership of board to Department

18. Whenever a vacancy occurs in a local board of a city or town by the death, resignation or removal of an appointed member, the council, at its first meeting after the vacancy occurs, shall appoint a resident ratepayer to fill the vacancy and, in default of such appointment, the Department may appoint a resident ratepayer of the municipality to fill the vacancy. R.S.O. 1960, c. 321, s. 18. Vacancies in board

19. A majority of the members of a local board is a quorum. R.S.O. 1960, c. 321, s. 19. Quorum

20.—(1) The treasurer of the municipality shall forthwith upon demand pay the amount of any account for services performed under the direction of the board and materials and supplies furnished, or for any expenditure incurred by the board or by the medical officer of health or public health inspector in carrying out this Act or the regulations or in carrying out its functions under any other Act or the regulations thereunder, after the board has by resolution approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer. R.S.O. 1960, c. 321, s. 21 (1); 1964, c. 93, s. 3; 1966, c. 125, s. 5. Payment of accounts certified by board

(2) Subsection 1 applies to payment of any expenditure incurred by a local board in providing medical and dental inspection of pupils in any school pursuant to section 99. Expenditures for school medical and dental inspection

(3) The amounts of any payments made by the treasurer for the purposes mentioned in subsection 2 shall be levied and collected by a special rate on the rateable property of the supporters of the school or schools for whose pupils medical and dental inspection is provided by the local board. R.S.O. 1960, c. 321, s. 21 (2, 3). Rates for school purposes

Grants for full-time public health services

21. The Minister may pay grants in such amounts and upon such terms and conditions as the regulations prescribe to the board of health of a municipality that provides full-time public health services. 1967, c. 79, s. 3, *part*.

Interpretation

22.—(1) In this section, “community health facility” means any building or place or any part of a building or place that is maintained, operated or used,

- (a) for the diagnosis, treatment or rehabilitation of persons suffering from physical or mental disorders;
- (b) for the prevention of physical or mental disorders; or
- (c) by a local board performing its functions.

Grants for community health facilities

(2) The Minister may pay grants in such amounts and upon such terms and conditions as the regulations prescribe to a non-profit organization designated by the regulations, a municipality or a local board towards the cost of construction, alteration or additions to a community health facility.

Exceptions

(3) This section does not apply to a hospital, sanatorium or other institution of a class designated by the regulations. 1967, c. 79, s. 3, *part*.

Recording proceedings

23.—(1) The proceedings of every local board shall be recorded by the secretary in a book to be kept for that purpose.

Annual report

(2) The secretary shall annually, on or before the 15th day of February, prepare a report of the work done by the board during the year and of the sanitary condition of the municipality.

Report to be transmitted to Deputy Minister

(3) The report as adopted by the local board shall include the annual report of the medical officer of health and shall be transmitted to the Deputy Minister. R.S.O. 1960, c. 321, s. 22.

Weekly report to Department

24. The secretary of every local board shall report weekly to the Department the number of cases of and deaths from communicable diseases, and the number of deaths from all other causes occurring in the municipality during the preceding week, upon a form to be supplied by the Department. R.S.O. 1960, c. 321, s. 23.

Enforcing authority of local board

25.—(1) Whenever a local board has authority to direct that any matter or thing be done by a person, the board may also, in default of its being done by the person, direct that such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof by action in any court of competent jurisdiction, or the board may direct that the same be added by the clerk of the municipality to the collector’s roll and collected in like manner as municipal taxes. R.S.O. 1960, c. 321, s. 24 (1).

(2) Where a local board in a municipality in which a sewerage system has been established, Installation of sanitary conveniences, etc., by municipality

- (a) recommends that sanitary conveniences or suitable connections with water service should be installed in any building; and
- (b) is of the opinion that the owner of the premises is unable or unwilling to pay the expense of such installation at once,

the municipality may install suitable conveniences and construct private drain connections required to connect such sanitary conveniences with the common sewers of the municipality, or may install a water service pipe with the necessary connections to give a proper supply of water to the premises at the expense of the owner.

(3) The municipality may direct that the cost of the conveniences and connections mentioned in subsection 2, including interest at a rate of not more than 6 per cent on the deferred payments, be paid by the owner in equal successive annual payments extending over a period of not more than five years, and may direct that such payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes. 1965, c. 106, s. 2. Idem, payment of cost

(4) A certificate from the clerk of the municipality setting forth the cost of the conveniences and a description of the lands upon which the same were installed shall be registered in the proper registry or land titles office against the lands on proper proof by affidavit of the signature of the clerk, and, upon payment in full of the cost of the conveniences, a like certificate from the clerk shall be registered and thereupon the lands are freed from all liability with reference thereto. R.S.O. 1960, c. 321, s. 24 (3). Registration of certificate of charges for installing sanitary conveniences

26.—(1) Where an action is brought against a local board or any member, officer or employee of a local board by a person who has suffered damage by reason of any act or default on the part of the local board or any member, officer or employee thereof, the corporation of the municipality may assume the liability or the defence of the action and may pay any damages or costs for which the board or the member, officer or employee is liable in respect of such act or default. Municipality may assume responsibility for board or employees

(2) In this section, "employee" does not include a contractor with the local board. R.S.O. 1960, c. 321, s. 25. but not for contractors

27. It is the duty of a local board to superintend and ensure the carrying out of this Act and the regulations and any by-law of the municipality pertaining to public health, and to execute, do Duty of local board as to carrying out Act and regulations

and provide all such acts, matters and things as are necessary for that purpose. R.S.O. 1960, c. 321, s. 26.

Complaints
as to
nuisances

28. Where information is given in writing to the local board by a resident householder of the existence of a nuisance or unsanitary condition in the municipality, the local board shall forthwith cause the complaint to be investigated and all necessary steps to be taken as provided by this Act or by the regulations to abate or remedy the same. R.S.O. 1960, c. 321, s. 27.

Cleansing
and disin-
fecting
houses, etc.

29.—(1) Where a medical officer of health is of opinion that the disinfecting of a house or part thereof, or of any articles therein likely to retain infection, would tend to prevent or check any communicable disease, he shall, through the public health inspector or otherwise, at the cost and charge of the municipality, disinfect such house or part thereof and the articles therein contained. R.S.O. 1960, c. 321, s. 28 (1); 1966, c. 125, s. 6.

Idem

(2) The disinfecting, renovating and cleansing of houses and premises shall be carried on in accordance with the regulations. R.S.O. 1960, c. 321, s. 28 (2).

Ambulance

30. A local board may provide, maintain or hire an ambulance for the conveyance of persons requiring medical attention and may pay the expense of conveying therein any person requiring medical attention to a hospital or other place. 1966, c. 125, s. 7.

Disinfecting
apparatus

31. A local board may provide all necessary apparatus and attendance for the disinfection or destruction of bedding, clothing or other articles that have become infected, and may cause such articles to be disinfected free of charge or may make a reasonable charge for disinfecting them. R.S.O. 1960, c. 321, s. 30.

Destruction
of infected
bedding,
etc.

32. A local board may direct the destruction of any furniture, bedding, clothing or other articles that have been exposed to infection, and may give compensation therefor. R.S.O. 1960, c. 321, s. 31.

Appeal to
county judge
from order
of board

33. Where the order of a local board or medical officer of health involves an expenditure of more than \$1,000, the person against whom the order is made or any person chargeable with such expenditure or any part thereof may, within four days after being served with a copy of the order, appeal therefrom to the judge of the county or district court who has power to vary or rescind the order, and any order so varied may be enforced by the Department in the same manner as an order originally made by the board or a medical officer of health. R.S.O. 1960, c. 321, s. 32.

34.—(1) Where a local board has not been established as required by this Act, or where a local board or any officer thereof has, in the opinion of the Minister, refused or neglected to act with sufficient promptness or efficiency in carrying out this Act or any order or regulation of the Department, or to take such efficient measures as might remove any unsanitary condition or abate any nuisance, the Minister may direct an officer of the Department to carry out such measures as are authorized by this Act or by any order or regulation made thereunder.

Powers of Minister on default of local authorities

(2) The expenses so incurred shall be certified by the Minister and are a debt due by the corporation of the municipality and, upon presentation of such certificate, the treasurer of the municipality shall pay the same.

Liability for payments of expenses

(3) The corporation of the municipality whose treasurer pays the expenses so incurred as provided by subsection 2 may recover the amount so paid by action in any court of competent jurisdiction against the person certified in writing by the Minister to have been in default, or the council of the municipality may direct the amount of the expenses to be added by the clerk of the municipality to the collector's roll and collected from the person so certified to be in default in like manner as municipal taxes. R.S.O. 1960, c. 321, s. 33.

Recovery of expenses of carrying out orders of Department

MEDICAL OFFICERS OF HEALTH

35.—(1) Every municipality that does not form part of a health unit shall provide such full-time public health services as the Minister may require.

Full-time public health services

(2) Where a municipality fails to provide full-time public health services as required by the Minister, the Minister may furnish or cause to be furnished the full-time public health services required, and the cost thereof shall be charged to the municipality. 1967, c. 79, s. 4.

Idem

(3) Where a vacancy occurs in the office of medical officer of health or the medical officer of health is ill or absent from the municipality for a protracted period, the council of the municipality, with the approval of the Minister, may appoint an acting medical officer of health and such acting medical officer of health, during the vacancy or the illness or absence of the medical officer of health, has all the powers and shall perform all the duties of the medical officer of health.

Acting medical officers of health, appointment

(4) The council of a municipality, with the approval of the Minister, may appoint one or more associate medical officers of health who shall act under the direction of the medical officer of health, and while so acting an associate medical officer of health has all the powers and shall perform the same duties as a medical officer of health. 1968, c. 106, s. 1, *part.*

Associate medical officers of health, appointment

Appointment
of nurses
and physi-
cians by
council or
local board

(5) The council of a municipality or a local board may appoint one or more food and dairy inspectors, one or more public health nurses, and one or more legally qualified physicians and engage such other services as are, in the opinion of the council or local board, required for carrying out this or any other Act administered by the Department or the regulations made thereunder for the prevention or treatment of disease.

Appoint-
ment of
nurse by one
or more
municipalities

(6) The council of a town, township or village, or the local board thereof, may unite with the council or councils or boards of health of one or more neighbouring municipalities for the purpose of appointing, employing and paying one or more public health nurses for the promotion of the public health and the prevention or treatment of disease, and such appointments are eligible for grants in respect of the same as are provided by the regulations.

Public
health
nurses

(7) Any person who is appointed under this Act as a public health nurse is subject to the direction and control of the medical officer of health for the municipality for which such nurse is appointed. R.S.O. 1960, c. 321, s. 34 (7-9).

Health
units,
establish-
ment

36.—(1) The council of a county may by by-law establish and declare the county to be a health unit.

Idem

(2) The councils of two or more counties, or such number and type of municipalities in the same county or in different counties or territorial districts as are designated by the regulations, may enter into an agreement in writing for the formation of a health unit.

In a county

(3) Where a county, either alone or with another county or with a municipality separated from the county, is a health unit, the local municipalities in the county and not separated therefrom all form part of the health unit.

In territorial
district

(4) A health unit may include any area in a territorial district that is designated by the Lieutenant Governor in Council.

Powers and
duties

(5) Where a medical officer of health or an acting medical officer of health is appointed for a health unit, the provisions of this Act with respect to the appointment of municipal officers of health for the territory included in the health unit do not apply and the powers and duties of a medical officer of health in any such municipality shall thenceforth be exercised and performed by the medical officer of health or the acting medical officer of health for the health unit. R.S.O. 1960, c. 321, s. 35 (1-5).

Regulations

(6) The Minister, with the approval of the Lieutenant Governor in Council, may make regulations, which may be general or particular in their application,

(a) respecting the establishment of a health unit;

- (b) providing for the constitution of a board of health in any health unit, fixing the number of members and defining the powers of the board;
- (c) prescribing the powers, qualifications, salary and duties of a medical officer of health, an acting medical officer of health, associate medical officers of health, school medical officers, dental officers, nurses, public health inspectors and other technical health workers in a health unit;
- (d) respecting the appointment and the tenure of office of the medical officer of health, acting medical officer of health, associate medical officers of health, school medical officers, dental officers, nurses, public health inspectors and other technical health workers in a health unit;
- (e) apportioning any expense incurred in carrying out this section and the regulations among the municipalities and school sections concerned;
- (f) prescribing the amounts, manner, method, times and conditions of payment of the grants to health units mentioned in subsection 9. R.S.O. 1960, c. 321, s. 35 (6); 1962-63, c. 113, s. 2 (1); 1966, c. 125, s. 9; 1968, c. 106, s. 2.

(7) The expenses incurred by a health unit in establishing and maintaining the health unit and in performing its functions under this or any other Act shall be borne and paid in such proportion as is agreed upon or, in default of agreement, in such proportion as is fixed by the regulations. 1962-63, c. 113, s. 2 (2). Expenses

(8) Notwithstanding any other Act, where a health unit has been established or is established, the municipalities making up the unit shall be deemed to have had and to have all such powers as may be necessary to carry out the by-law or agreement providing therefor and, without limiting the generality of the foregoing, any such municipality may incur continuing obligations and make provision for the discharge thereof and may contribute money to and expend money on carrying out the provisions of this Act and the regulations with respect to health units. Municipal
action
confirmed

(9) Subject to the regulations, where a health unit is established under this Act, the Minister may grant such assistance for the establishment and maintenance of the health unit as he considers proper and any such grant is payable out of the moneys appropriated by the Legislature for that purpose. R.S.O. 1960, c. 321, s. 35 (8, 9). Provincial
assistance

37.—(1) In this section, “separated local board” means the local board of health of a health unit that has been formed under subsection 2 of section 36, and “separated health unit” has a corresponding meaning. 1962-63, c. 113, s. 3, *part*. Interpre-
tation

Extension of
separated
health units

(2) With the approval of the Minister, a separated local board may enter into an agreement with the council of a county or other municipality mentioned in subsection 2 of section 36 for such county or other municipality to form part of the separated health unit. 1965, c. 106, s. 3.

Corporate
status

(3) A separated local board is a corporation to be known by such name as it may by by-law adopt with the approval of the Minister.

Property

(4) All property, real and personal, heretofore vested in a board of health of a health unit that has been formed under subsection 2 of section 36 is vested in the separated local board.

Idem

(5) With the consent of the municipalities forming a separated health unit, the separated local board may acquire and hold real and personal property for its purposes, and may sell, exchange, lease, mortgage or otherwise charge or dispose of any such property.

By-laws

(6) A separated local board may pass by-laws respecting,

- (a) the management of its property;
- (b) banking and finance;
- (c) the holding or conducting of meetings;
- (d) the appointment, duties and removal of officers and employees, and their remuneration, pensions and other benefits; and
- (e) any matter necessary or advisable for the management of the affairs of the board. 1962-63, c. 113, s. 3, *part*.

Idem

(7) A copy of each by-law shall be delivered or sent by mail by the secretary of the separated local board to the clerk of each municipality forming the health unit within fifteen days of the by-law becoming effective. 1962-63, c. 113, s. 3, *part*.

Interpre-
tation
R.S.C. 1952,
c. 149

Application
of s. 36 to
Indian
bands

38.—(1) In this section, “band” and “council of a band” have the same meaning as in the *Indian Act* (Canada).

(2) The provisions of section 36 that apply to a township municipality apply *mutatis mutandis* to a band, and the council of a band shall be deemed to be the council of a township municipality. 1967, c. 79, s. 5.

Tenure of
office

39. Every public health inspector appointed by the council shall hold office during the pleasure of the council, and, if appointed by the Lieutenant Governor in Council, shall hold office until the 1st day of February in the year following that of his appointment. R.S.O. 1960, c. 321, s. 36; 1966, c. 125, s. 10.

40.—(1) Every medical officer of health appointed by the council shall hold office during good behaviour and his residence in the municipality, and, if appointed by the Lieutenant Governor in Council, shall hold office until the 1st day of February in the year following that of his appointment, and no medical officer of health shall be removed from office except on a two-thirds vote of the whole council and with the consent and approval of the Minister, who may require cause to be shown for the dismissal. R.S.O. 1960, c. 321, s. 37 (1). Dismissal

(2) Every medical officer of health shall cease to hold office upon attaining the age of seventy years, but the municipal council, with the approval of the Minister, may continue a medical officer of health in office from year to year. R.S.O. 1960, c. 321, s. 37 (2); 1964, c. 93, s. 6. Age of retirement of M.O.H.

(3) Upon evidence satisfactory to the Minister that there is no person residing in a municipality qualified to be medical officer, the Minister may permit the council to appoint as medical officer of the municipality some person residing out of the municipality. Appointment out of municipality

(4) A medical officer of health who refuses or neglects to carry out this Act or the regulations, or any special order of the Department, or any by-law of the municipality relating to sanitary matters, may be dismissed from office by the Department or by the municipal corporation on the recommendation of the Department. Dismissal of M.O.H. for neglect of duty

(5) It is the duty of the medical officer of health to make a sanitary inspection of all schools in his municipality annually and to make a report to the Department regarding them, using forms supplied by the Department for that purpose. R.S.O. 1960, c. 321, s. 37 (3-5). Annual inspection of schools by M.O.H.

41. The medical officer of health is the executive officer of the local board and, with the local board, is responsible for the carrying out of this Act and the regulations and of the public health or sanitary by-laws of the municipality. R.S.O. 1960, c. 321, s. 38. M.O.H. to be executive officer of board

42. No action, prosecution or other proceeding shall be brought or be instituted against a medical officer of health for an act done in pursuance or execution or intended execution of any statutory or other public duty or authority, or in respect of any alleged neglect or default in the execution of any such duty or authority, without the consent of the Minister. R.S.O. 1960, c. 321, s. 39. Action against M.O.H. prohibited

43. Every medical officer of health, whether appointed by the council or by the Lieutenant Governor in Council, shall be paid by the municipal corporation a reasonable salary to be fixed by Salaries of medical officers of health

by-law, and such salary shall be his total remuneration for his services as medical officer of health. R.S.O. 1960, c. 321, s. 40.

Payment of
public
health
inspectors

44. Public health inspectors shall be paid such annual sum as is determined by the council of the municipality. R.S.O. 1960, c. 321, s. 41; 1966, c. 125, s. 11.

HEALTH FACILITIES

Licence to
operate

45.—(1) No person shall operate a health facility of any class prescribed by the regulations made under paragraph 32 of section 6 without a licence therefor.

Qualifica-
tions

(2) No person shall operate or be engaged in a health facility of any class prescribed by the regulations made under paragraph 32 of section 6 without being qualified as required by the regulations. 1967, c. 79, s. 6.

Commence-
ment

(3) This section comes into force on a day to be named by the Lieutenant Governor by his proclamation. 1967, c. 79, s. 10 (2).

ISOLATION HOSPITALS

Establish-
ment

46.—(1) Any municipality may establish, erect and maintain one or more isolation hospitals for the reception and care of persons suffering from any communicable disease.

Idem

(2) Two or more adjacent municipalities may join in establishing, erecting and maintaining such a hospital.

Debentures

(3) A municipality may borrow money by the issue of debentures for the purposes of this section and it is not necessary to obtain the assent of the electors to any by-law for raising money for the purposes of this section.

When
payable

(4) Debentures issued under this section shall be payable within twenty years from the date of the issue thereof.

Where to be
established

(5) Any such hospital may be established in a municipality or in one of the municipalities providing for the same or in an adjoining municipality.

Subject to
sections
47 to 52

(6) The powers conferred by this section are subject to sections 47 to 52. R.S.O. 1960, c. 321, s. 44.

Permission
for estab-
lishment of
isolation
hospitals
and con-
sumption
hospitals
R.S.O. 1970
c. 422

47. No such isolation hospital and, except as provided by *The Sanatoria for Consumptives Act*, no sanatorium, institution or place for the reception, care or treatment of persons suffering from consumption or tuberculosis shall be established or maintained or kept within the limits of any municipality without permission to be given in the manner hereinafter provided. R.S.O. 1960, c. 321, s. 45.

48.—(1) Every municipal corporation and every person desiring to establish, maintain or keep any such isolation hospital, sanatorium, institution or place in a municipality shall make application in writing to the local board of the municipality for permission to do so.

Application
to local
board

(2) The local board shall give notice of the application and of the meeting at which the application will be considered by advertisement once a week for two successive weeks in a newspaper published in the municipality or, if there is no such newspaper, in a newspaper published in an adjoining municipality.

Notice of
meeting

(3) The local board shall take such application into consideration at its next general meeting after the last publication of such notice or at a special meeting to be called for the purpose within one month after that date.

Considera-
tion of appli-
cation

(4) The local board shall hear the applicant for such permission in person or by counsel, and shall hear any person opposed to the granting of such permission, and shall within one month thereafter determine by resolution of the board whether or not the application will be granted.

Hearing and
decision

(5) If the local board determines not to grant permission, notice in writing of its decision shall forthwith be given to the applicant by registered letter, and the applicant may appeal from such decision to a board of appeal to be composed of the head of the municipality, the sheriff of the county or district in which the municipality is situate and the Deputy Minister.

Refusal of
permission
and appeal

(6) The appeal shall be by notice in writing addressed to the Deputy Minister and sent by registered mail to him within seven days after the receipt of notice of the decision of the local board.

Notice of
appeal

(7) The Deputy Minister shall appoint a time and place for the consideration of the appeal, and at least seven days notice of the time and place of hearing the appeal shall be given by registered letter addressed to the secretary of the local board and to the applicant, and by advertisement in a newspaper published in the municipality in which it is sought to establish such hospital, sanatorium, institution or place of reception, or, if there is no such newspaper, in a newspaper published in the county or district town of the county or district in which such municipality is situate.

Notice of
hearing of
appeal

(8) The board of appeal shall hold a sitting at such time and place and shall hear what is alleged for and against such appeal on behalf of the applicant and the local board or any ratepayer of the municipality who objects to the granting of such permission.

Hearing of
appeal

(9) The board of appeal may adjourn the proceedings for the purpose of visiting any building or proposed site and determining upon its suitability or procuring such further information as the board considers necessary.

View

Decision of
board of
appeal

(10) The decision of the board of appeal or a majority of its members shall be given in writing and is final.

Fees of
board of
appeal

(11) Each of the members of the board of appeal is entitled to a fee of \$10 per day for each day during which he is necessarily engaged in connection with the appeal and reasonable and necessary expenses, and the same and any other costs and expenses incurred in hearing the appeal are payable by the appellant upon the written order of the Minister to the persons entitled thereto.

Non-
application
of sections

(12) Nothing in this section or in section 47 applies to any public general hospital in which persons suffering from other diseases as well as persons suffering from consumption or tuberculosis are received and treated. R.S.O. 1960, c. 321, s. 46.

Offence

49. Every person who erects, establishes or maintains any such isolation hospital, sanatorium, institution or place, or who takes part in the superintendence or management thereof, until permission has been given as provided by section 48, is guilty of an offence and on summary conviction is liable to a fine of not more than \$25 for every day on which the offence is continued. R.S.O. 1960, c. 321, s. 47.

Plans to be
approved by
Department

50.—(1) No isolation hospital shall be established until the plans and the proposed equipment thereof have been submitted to and approved by the Department.

Alterations,
etc.

(2) Every municipality establishing an isolation hospital shall from time to time make such alterations therein and such changes or improvement in the equipment thereof as are directed by the Department. R.S.O. 1960, c. 321, s. 48.

Maintenance
grants for
isolation
hospitals

51. The Minister may, out of the moneys that are appropriated by the Legislature for the purpose and subject to the regulations, pay grants to municipalities toward the cost of maintenance of the isolation hospitals referred to in section 46. R.S.O. 1960, c. 321, s. 49.

Control of
isolation
hospital

52.—(1) Subject to the regulations, the local board of the municipality that has established an isolation hospital has the management and control of it and of the conduct of the physicians, nurses, attendants and patients.

Idem

(2) Notwithstanding subsection 1, an agreement may be entered into between the local board of the municipality that has established an isolation hospital, the council of the municipality and the board of trustees of a public hospital, providing for the management and control of the isolation hospital and of the conduct of the physicians, nurses, attendants and patients by the board of trustees of the public hospital. R.S.O. 1960, c. 321, s. 50.

EMERGENCY HOSPITALS

53. Where a communicable disease to which this section is made applicable by the regulations becomes prevalent in a municipality and the municipality has not already provided proper hospital accommodation for such cases, the local board shall immediately provide, at the cost of the municipality, such a temporary hospital, hospital tent or other place or places of reception for the sick and infected as may be considered best for their accommodation and the safety of the inhabitants, and for that purpose may,

Temporary
emergency
hospitals

- (a) erect such hospital, hospital tent or place of reception;
- (b) contract for the use of any existing hospital, hospital tent or place of reception; or
- (c) enter into an agreement with any person having the management of any such hospital, subject to the approval of the medical officer of health of the local municipality in which the hospital is situate, for the reception and care of persons suffering from the communicable disease, and for the payment of such remuneration therefor as is agreed upon. R.S.O. 1960, c. 321, s. 51.

ACQUIRING LAND

54.—(1) Where an outbreak of any of the diseases to which section 53 applies occurs or is apprehended, the local board may enter upon and take and use for the purposes mentioned in that section any land or unoccupied building without prior agreement with its owner and without his consent, and may retain it for such period as appears to the board to be necessary.

Occupying
land in case
of emergency

(2) Written notice in the form set out in Schedule A shall, within five days after the taking or obtaining possession, be given by the board to the clerk of the municipality wherein the land or unoccupied building is situate, and such notice shall be given whether possession is taken or obtained with the consent of the owner or otherwise.

Notice to
clerk

(3) Where possession is taken without the consent of the owner, the board shall, within five days after taking possession, give the like notice to the owner.

Notice to
owner

(4) If the owner is not known or is not resident in Ontario or if his residence is unknown to the board, the board shall cause the notice to be published in two successive issues of a local newspaper having circulation in the municipality where the property is situate, and shall send by registered mail to the last known address, if any, of the owner a copy of the notice, and such publication is sufficient notice to the owner.

Where
owner or his
address
unknown

Compensation

(5) The owner is entitled to compensation from the municipality wherein the land or building is situate for the use and occupation thereof, including any damages arising from such use and occupation, such compensation to be agreed upon between the council of the municipality and the owner and, in case they do not agree, the judge of the county or district court of the county or district in which the property is situate shall summarily determine the amount of the compensation and the terms of payment in such manner and after giving such notice as he sees fit. R.S.O. 1960, c. 321, s. 52.

Order for possession

55. Where any resistance or forcible opposition is offered or apprehended to possession being taken of the land or building, the judge of the county or district court may, without notice to any person, issue his warrant to the sheriff of the county or district, or to any other person as he considers most suitable, requiring him to put and maintain the board, its agents or servants in possession, and to put down such resistance or opposition, which the sheriff or other person, taking with him sufficient assistance, shall accordingly do. R.S.O. 1960, c. 321, s. 53.

MEDICAL CARE OF INDIGENTS

Municipality to provide for medical attendance for indigent persons

56.—(1) Every municipality shall enter into an agreement with the medical officer of health or some other legally qualified medical practitioner resident in the municipality or in a municipality adjacent thereto for his medical attendance upon and care of persons suffering from the result of injury or disease who, in the opinion of the head of the municipality or of its welfare administrator, if any, are unable through poverty to pay for the necessary attendance and who are not cared for in a public or private hospital.

M.O.H. need not act unless agreement made

(2) This section does not impose any duty on the medical officer of health in respect of such cases unless an agreement has been entered into with him under subsection 1.

In absence of agreement M.O.H. to be deemed indigent M.O.H.

(3) Failing the making of any other agreement, the medical officer of health shall be deemed to be indigent medical officer of health for the municipality and shall be remunerated for his service as indigent medical officer, according to subsection 4.

Agreement to provide for remuneration

(4) Every such agreement shall provide for fair and reasonable remuneration for the service rendered. R.S.O. 1960, c. 321, s. 54.

Disputes as to remuneration of M.O.H. application to county judge

57.—(1) Where a medical officer of health claims that the salary paid to him by a municipality or the remuneration provided for under section 56 is not fair and reasonable, and gives notice of such claim in writing, signed by him, to the clerk of the municipality, and the council of the municipality neglects to comply with such demand, or directs the serving upon the medical

officer of health of a notice disputing the claim, the medical officer of health, after the expiration of ten days from the receipt of the notice by the clerk, may apply in a summary manner to the judge of the county or district court of the county or district in which the municipality lies for an order allowing his claim and fixing the amount payable to him as salary under section 43 or as remuneration under section 56, and upon such application the judge shall hear the parties and their witnesses and shall make such order as he considers just, and in and by such order shall settle and determine the salary properly payable to such medical officer of health, and a fair and reasonable remuneration under section 56.

(2) If such application is not made by the medical officer of health within thirty days after receiving notice from the municipality disputing his claim, he shall be deemed to have abandoned the claim.

Time for making application

(3) The judge, upon the application, shall take into consideration all the circumstances of the case and, among other matters, the physical extent, population and assessment of the municipality.

Powers of judge

(4) *The Judges' Orders Enforcement Act* applies to every application and order made under this section. R.S.O. 1960, c. 321, s. 55.

Application of R.S.O. 1970, c. 227

USE OF DRUGS

58.—(1) In this section,

Interpretation

- (a) “designated drug” means a drug,
 - (i) for which a standard has been prescribed under legislation applicable to the advertising and sale of drugs,
 - (ii) for which a standard is contained in a publication mentioned in Schedule C, or
 - (iii) designated by the regulations;
- (b) “designated human ailment” means a human ailment designated by the regulations;
- (c) “drug” means a substance or mixture of substances for the treatment of human ailments.

(2) This section does not apply to,

Where section not to apply

- (a) a legally qualified medical practitioner;
- (b) a person engaged in *bona fide* research, experimentation or the treatment of patients or other persons if carried on under the supervision of a legally qualified medical practitioner in a hospital or sanatorium referred to in clause *b* of subsection 2 of section 20 of *The Medical Act* or any institution operated by or affiliated with a university.

R.S.O. 1970, c. 268

Use of
certain
drugs
prohibited

(3) Except as provided by the regulations, no person shall use or permit to be used any drug other than a designated drug in the treatment of a designated human ailment.

Appoint-
ment of
inspectors

(4) The Minister, for the purpose of this section, may appoint any person on the staff of the Department or any other person as an inspector for such time as the Minister may designate.

Powers of
inspectors

(5) An inspector appointed under subsection 4 may enter any place in which he believes on reasonable grounds that a drug is being used contrary to subsection 3, and he may search for and examine any such drug and take and remove it or a sample thereof.

Assistance
to
inspectors

(6) The owner or person in charge of the place entered by an inspector appointed under subsection 4 and every person therein shall give the inspector all reasonable assistance and furnish him with such information as he may reasonably request.

Obstruction
of
inspectors

(7) No person shall obstruct an inspector appointed under subsection 4 in the performance of his duties.

Offences

(8) Any person who contravenes any provision of this section is guilty of an offence and, for a first offence, on summary conviction is liable to a fine of not less than \$200 and not more than \$500 and, for a subsequent offence, on summary conviction is liable to a fine of not less than \$500 and not more than \$2,500.

Onus of
proof

(9) In a prosecution for the use of a drug in contravention of subsection 3, the burden of proof that a drug is a designated drug is upon the person charged.

Regulations

(10) The Lieutenant Governor in Council may make regulations,

- (a) designating human ailments and drugs for the purposes of this section;
- (b) prescribing terms and conditions under which a drug other than a designated drug may be used in the treatment of a designated human ailment;
- (c) adding any publication or deleting any publication from the list of publications in Schedule C.

No addi-
tional
rights to
treat human
ailments

(11) Nothing in this section shall be deemed to confer upon any person any rights in the treatment of human ailments that he does not otherwise possess. 1965, c. 106, s. 4.

CANCER SURVEYS

Periodic
cancer
surveys

59.—(1) The Minister may cause to be conducted periodic surveys of the incidence and prevalence of cancer in Ontario.

Reports of
cancer cases

(2) For the purpose of the surveys mentioned in subsection 1,

- (a) every legally qualified medical practitioner; and
- (b) every superintendent or director of,
 - (i) a hospital, sanatorium or other institution designated by the regulations, or
 - (ii) a medical clinic or medical laboratory,

shall report every case of cancer diagnosed, treated or observed by him in such manner and at such times as are prescribed by the regulations. 1966, c. 125, s. 13.

COMMUNICABLE DISEASES

60.—(1) The Minister may supply, or contribute towards the cost of supplying, free of charge to indigent persons insulin or any designated substance for the control or treatment of diabetes upon such terms and conditions as the regulations prescribe.

Supply of insulin, etc., to indigents

(2) The regulations may prescribe that the municipality in which the indigent person resides shall contribute a part of the cost, not exceeding 25 per cent thereof, of supplying insulin or any substance for the control or treatment of diabetes designated by the regulations. 1964, c. 93, s. 7.

Municipal contribution to cost

61. The Minister, out of such moneys as are appropriated by the Legislature therefor, may make contributions to institutions designated by the regulations toward the cost of the maintenance, treatment and special treatment of persons in such institutions who are suffering from poliomyelitis or from impairment of muscular function as a result of having been infected with poliomyelitis, in such amounts, in such manner and at such times as the regulations prescribe. R.S.O. 1960, c. 321, s. 57.

Contributions toward cost of treatment of poliomyelitis

62.—(1) Whenever any householder knows or has reason to suspect that any person in his family or household or boarding or lodging with him has any communicable disease, he shall, within twelve hours, give notice thereof to the secretary of the local board or to the medical officer of health.

Notice by householder

(2) The notice may be given to the secretary or to the medical officer of health at his office, or by letter addressed to either of them and mailed within the time above specified, and the secretary of the local board shall forthwith transmit to the medical officer of health notice of each case of communicable disease reported to him.

How given

(3) Every such notice filed with the medical officer of health shall be transmitted forthwith by him to the secretary of the local board and shall be included in the weekly report required to be sent to the Department under section 24. R.S.O. 1960, c. 321, s. 58.

Notice of communicable disease to be included in weekly report

Removal of
person or
clothing
prohibited

63.—(1) No householder in whose dwelling any communicable disease occurs shall permit any person suffering from or exposed to such disease to leave, or any clothing or other property to be removed from, his house without the consent of the medical officer of health, who may forbid such removal or prescribe the conditions thereof.

Milk
containers

(2) Milk bottles and other containers used in the delivery of milk and that may be used again for the same or any other purpose shall not be returned from or taken away from any premises under quarantine for any communicable disease until the quarantine has been raised, and they shall then be removed in such manner as the medical officer of health directs and, before being refilled or used for any other purpose, they shall be disinfected by live steam in such manner as the regulations require.

Who to be
deemed
exposed to
disease

(3) Every person in a house when a communicable disease exists therein, and every person who during the period of quarantine enters such house, shall be deemed to be exposed to the disease.

Com-
municable
diseases of
the eyes

(4) It is the duty of every physician, medical officer of health, superintendent of a hospital, nurse, midwife and every person in charge of a maternity hospital, every householder, and every person in charge of a child, to see that such requirements as are prescribed by this Act or by the regulations are duly complied with in respect of ophthalmia neonatorum, trachoma, inflammation of the eyes of the newborn, or other communicable diseases of the eyes.

Maternity
cases,
duty as to
reporting
death of
mother

(5) It is the duty of every physician, medical officer of health, superintendent of a hospital, nurse, midwife or other person in charge of a maternity case in which the death of a mother takes place from causes directly or indirectly associated with pregnancy or parturition forthwith to report such death and the causes thereof according to the regulations. R.S.O. 1960, c. 321, s. 59.

Report by
physician

64.—(1) Whenever any legally qualified medical practitioner knows, or has reason to suspect, that any person whom he is called upon to visit is infected with any communicable disease, he shall within twelve hours give notice thereof to the medical officer of health of the municipality in which the diseased person is.

Superinten-
dents of
hospitals,
etc.

(2) This section applies to the medical superintendent or person in charge of any general or other hospital in which there is known to him to be a patient suffering from any communicable disease.

Drugless
practitioners
R.S.O. 1970,
c. 137

(3) Subsection 1 applies to any person registered and practising as a drugless practitioner under *The Drugless Practitioners Act*. R.S.O. 1960, c. 321, s. 60.

65.—(1) Where a communicable disease is found or suspected to exist in a municipality, the medical officer of health and local board shall use all possible care to prevent the spread of infection or contagion by such means as in their judgment is most effective for the public safety. R.S.O. 1960, c. 321, s. 61 (1).

Precautions
against
spread of
infection

(2) The medical officer of health or local board, when it is considered necessary to prevent the occurrence or spread of a communicable disease, may direct that any school or seminary of learning, or any church or public hall or other place used for public gatherings or entertainment in the municipality, be closed and may prohibit all public assemblies in the municipality, and no such school, seminary, church, hall or public place shall be kept open after such direction for the admission of the public, nor be re-opened without the permission of the medical officer of health. R.S.O. 1960, c. 321, s. 61 (2); 1964, c. 93, s. 8.

Closing
schools,
churches,
etc.

66. Subject to the regulations, where smallpox is found or suspected to exist in a municipality or where there is a danger of the spread of smallpox from another jurisdiction or where persons in a municipality have been exposed to smallpox, the medical officer of health and the local board may require the vaccination, revaccination or quarantine of such persons or classes of persons as may be designated by the regulations. 1964, c. 93, s. 9, *part*.

Smallpox

67. The Lieutenant Governor in Council may designate that section 66 shall apply *mutatis mutandis* to territory without municipal organization in such manner and under such conditions as may be prescribed by the regulations. 1964, c. 93, s. 9, *part*.

Application
of s. 66 to
unorganized
territory

68. Where by the regulations this section is made applicable in respect of a communicable disease, the medical officer of health or the local board shall, as required by the regulations, isolate persons having such disease, persons who are or may be contacts therewith and persons who are or may be carriers thereof, and shall forthwith and as provided by the regulations quarantine the house or premises in which such disease exists or in which such persons are isolated. R.S.O. 1960, c. 321, s. 62.

Isolation of
patient

69.—(1) If any person in a municipality is infected or has recently been infected with, or exposed to, a communicable disease to which this section is made applicable by the regulations, the medical officer of health or local board shall make effective provision for the public safety by removing such person to a separate house, or by otherwise isolating him, and by providing medical attendance, medicine, nurses and other assistance and necessaries for him.

Isolation
of infected
persons

(2) The municipality is entitled to recover from such person the amount expended in providing such medical attendance,

Recovery
of expenses

medicine, nurses and other assistance and necessities for him, but not the expenditure incurred in providing a separate house or in otherwise isolating him. R.S.O. 1960, c. 321, s. 63.

Carrier
of germs

70.—(1) The medical officer of health shall take such steps as are necessary for the public safety with respect to any person in the municipality who in the opinion of the medical officer is a carrier of the germs of a communicable disease to which this section is made applicable by the regulations.

Examina-
tion

(2) The medical officer of health may require any person in the municipality whom he believes to be such a carrier to submit to such clinical or laboratory examination or investigation as may be necessary to determine whether such person is a carrier.

Orders and
directions

(3) The medical officer of health may give such orders or directions to any such carrier as he considers necessary to prevent the spread of the disease, and may direct such person to be isolated in any premises or locality, and may prohibit such person from residing in any premises or engaging in any work that in the opinion of the medical officer is likely to cause the spread of the disease, and may do all such acts as are necessary to enforce the carrying out of any such order, direction or prohibition.

Compensa-
tion

(4) Upon evidence satisfactory to the Minister that a person is such a carrier and that he has been deprived of his means of livelihood by an order or direction of the medical officer of health, the Department may, out of any moneys appropriated by the Legislature for the purposes of the Department, pay compensation to such person, the amount of which to be determined in the regulations. R.S.O. 1960, c. 321, s. 64.

Recovery of
expense
incurred
through
neglect or
refusal to
carry out
Act

71. Where, owing to the refusal or neglect of the medical officer of health, the local board or the municipality, a communicable disease is brought into another municipality which incurs expense in preventing the spread of such communicable disease, the municipality in default shall pay to the municipality incurring such expense the whole amount thereof, and it is recoverable as a debt in any court of competent jurisdiction. R.S.O. 1960, c. 321, s. 65.

Removal of
patients

72. No person suffering from a communicable disease to which this section is made applicable by the regulations shall be removed at any time except by permission and under direction of the medical officer of health, nor shall any occupant of any house in which there exists any such communicable disease change his residence to any other place without the consent of the medical officer of health or without complying with such conditions as he prescribes. R.S.O. 1960, c. 321, s. 66.

73. The medical officer of health, or a legally qualified medical practitioner appointed by him in writing for that purpose, may enter in and upon any house, out-house or premises, in the day time, for the purpose of making inquiry and examination with respect to the state of health of any person therein, and cause any person found therein who is infected with a communicable disease to be removed to a hospital or some other proper place. R.S.O. 1960, c. 321, s. 67.

Power to enter premises

74.—(1) Where there is reason to suspect that a person suffering from a communicable disease to which this section is made applicable by the regulations is in or upon any railway car, street railway car, steamboat, vessel or other conveyance, the medical officer of health or public health inspector of the municipality, or any member of the local board, may enter such conveyance and cause such person to be removed therefrom, and may detain the conveyance until it is properly disinfected, or such officer or member may, if he thinks fit, remain on or in or re-enter and remain on or in such conveyance, with any assistance he may require, for the purpose of disinfecting it, and his authority continues in respect of such person and conveyance notwithstanding that the conveyance is taken into another municipality. R.S.O. 1960, c. 321, s. 68 (1); 1966, c. 125, s. 14 (1).

Entering and disinfecting public conveyances

(2) The expense incurred for medical attendance, care, nursing, maintenance and all costs for disinfection shall be paid by the owner of the conveyance in which such person is found. R.S.O. 1960, c. 321, s. 68 (2).

Payment by owner of conveyance

(3) Any legally qualified medical practitioner or public health inspector authorized by the Department has the same authority as a medical officer of health under this section. R.S.O. 1960, c. 321, s. 68 (3); 1966, c. 125, s. 14 (2).

Authority given by Department

75. Where a communicable disease is reported or discovered in a dwelling house or out-house occupied as a dwelling and such house or out-house is in a filthy and neglected state, the medical officer of health may, at the expense of the municipality, compel the inhabitants of the dwelling house or out-house to move therefrom, and may place them in sheds or tents or other proper shelter in some more suitable situation until measures can be taken under the direction and at the expense of the municipality for the immediate cleansing, ventilation, purification and disinfection of such dwelling house or out-house. R.S.O. 1960, c. 321, s. 69.

Removal of persons from unsanitary dwellings

76. No person recovering from a communicable disease to which this section is made applicable by the regulations, and no nurse who has been in attendance on any such person, shall leave the premises or expose himself in any public place, street, shop,

Patients and nurses, precautions as to disinfection

inn or public conveyance until he has received from the medical officer of health a certificate that in his opinion such person or nurse has taken such precautions as to his person, clothing and all other things that he proposes to bring from the premises as are necessary to insure the immunity from infection of other persons with whom such person or nurse may come in contact. R.S.O. 1960, c. 321, s. 70.

Measures
prescribed
by Depart-
ment

77. Every such person and nurse shall adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things that have been exposed to infection, such measures as are prescribed by the regulations or by the medical officer of health. R.S.O. 1960, c. 321, s. 71.

Sanitary
precautions
before
mingling
with public

78. No person suffering from or having recently recovered from a communicable disease to which this section is made applicable by the regulations shall mingle with the general public, and no person having access to any such person, except the attending physician and clergyman, shall do so, until such sanitary precautions as are prescribed by the medical officer of health have been complied with. R.S.O. 1960, c. 321, s. 72.

Notice to be
given before
using public
conveyance

79.—(1) No person suffering from or having recently recovered from a communicable disease to which this section is made applicable by the regulations shall expose himself, nor shall any person expose any one under his charge who is so suffering from any such disease in a railway car, street railway car, steamboat, vessel or other conveyance, without having previously notified the owner or person in charge of the conveyance of the fact of his having such disease. R.S.O. 1960, c. 321, s. 73 (1).

Conveyance
to be dis-
infected

(2) The owner or person in charge of any such conveyance shall not, after the entry of any infected person into his conveyance, allow any other person to enter it without having sufficiently disinfected it under the direction of the medical officer of health or public health inspector. R.S.O. 1960, c. 321, s. 73 (2); 1966, c. 125, s. 15.

Bedding,
clothing,
etc.

80. No person shall give, lend, transmit, sell or expose any bedding, clothing or other article likely to convey a communicable disease without having first taken such precautions as the medical officer of health directs for removing all danger of communicating such disease to others. R.S.O. 1960, c. 321, s. 74.

Disinfection
of houses,
etc.

81. No person shall let or hire, or permit to be occupied, any house or room in a house in which a communicable disease has recently existed without having caused the house and premises used in connection therewith to be disinfected to the satisfaction of the medical officer of health, and, for the purpose of this section, the keeper of an inn or house for the reception of lodgers

shall be deemed to let for hire part of a house to any person admitted as a guest into such inn or house. R.S.O. 1960, c. 321, s. 75.

82. No person letting for hire, or showing for the purpose of letting for hire, any house or part of a house, on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there previously having been therein any person, animal or thing suffering from or liable to be infected by a communicable disease, shall knowingly make a false answer to such question. R.S.O. 1960, c. 321, s. 76.

False statements of persons renting or showing houses

83.—(1) No common carrier shall knowingly accept for transportation or carry in Ontario, except under and subject to the regulations, any person suffering from a communicable disease to which this section is made applicable by the regulations, or any infected article or articles of clothing, bedding or other property whatsoever.

Transportation of infected persons

(2) No carrier shall knowingly accept for transportation or carry in Ontario the body of a person who has died of a communicable disease, except under and subject to the regulations.

Corpses

(3) Every person contravening the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of \$100. R.S.O. 1960, c. 321, s. 77.

Penalty

84.—(1) Whenever a communicable disease exists in a house or household in which there is a person who is a student or pupil in, or a teacher or other person employed in any capacity in or about a university, college, school or other institution of learning, the householder shall, within twelve hours after the time such disease is known to exist, notify the principal, superintendent, head teacher or other person in charge of such institution, and also the medical officer of health, of the existence of such disease, and the person suffering therefrom shall not attend or be employed at such institution until a certificate has been obtained from the medical officer of health that he may safely do so.

School attendance from houses in which communicable disease exists

(2) Whenever a local board, or any of its officers or members, are aware of the existence in a house of a communicable disease, they shall at once notify the principal, superintendent, head teacher or other person in charge of any university, college, school or other institution of learning at which any member of the household is in attendance, either as a student or pupil, or in or about which he is employed as a teacher or in any other capacity, and none of such last-mentioned persons shall, after such notice, be permitted to attend, or be employed or be in or about, such institution until the certificate mentioned in subsection 1 is obtained and presented.

Duty of local board and teacher

Teacher to
give notice
of cases of
communi-
cable
disease

(3) Whenever a professor, lecturer, instructor or teacher in any such institution of learning has reason to suspect that any other professor, lecturer, instructor or teacher in, or any student or pupil of, or any person employed in or about, such institution is suffering from a communicable disease or that there exists in a household of which he is a member any communicable disease, such first-mentioned person shall notify the medical officer of health thereof and shall not permit the attendance of the person suffering from such disease, if under his direction or control, until the medical officer of health certifies that such attendance may be safely allowed.

Pupil not to
attend
within mini-
mum time

(4) No student or pupil having suffered from a communicable disease shall be allowed to attend any such institution of learning within the minimum period prescribed by the regulations.

Boarding
schools

(5) Whenever a communicable disease exists in a boarding school or other institution in which pupils are received for tuition and boarded or lodged, the head of the institution or the person in charge thereof shall immediately isolate the person suffering from such disease and any person in attendance upon him, and, within twelve hours after the disease is known to exist, shall notify the medical officer of health and shall not permit the person so suffering or any person in attendance upon him to mingle with the other pupils or inmates of the institution until the medical officer of health has certified that he may safely do so. R.S.O. 1960, c. 321, s. 78.

NUISANCES

Nuisances,
what to be
deemed

85. Any condition existing in a locality that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of disease shall be deemed a nuisance within the meaning of this Act. R.S.O. 1960, c. 321, s. 82.

Particular
nuisances

86. Without restricting the general application of section 85 and for greater particularity,

- (a) any premises or part thereof so constructed or in such a state as to be injurious or dangerous to health;
- (b) any street, pool, ditch, gutter, water-course, sink, cistern, water or earth closet, privy, urinal, cesspool, drain, dung pit or ash pit, so foul or in such a state or so situated as to be injurious or dangerous to health;
- (c) any well, spring or other water supply that is injurious or dangerous to health;
- (d) any stable or other building in which animals are kept in such a manner or in such numbers as to be injurious or dangerous to health;

- (e) any accumulation or deposit of refuse wherever situate that is injurious or dangerous to health;
- (f) any deposit of offensive matter, refuse, offal or manure contained in uncovered trucks or wagons at a station or siding or elsewhere so as to be injurious or dangerous to health;
- (g) any work, manufactory, trade or business so situated as to be injurious or dangerous to health;
- (h) any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates or in which insufficient air space is allowed for each inmate to comply with the regulations;
- (i) any schoolhouse, public or private, factory, shop or other building that is not in a clean state or free from effluvia arising from a drain, privy, water or earth closet, urinal or other nuisance, or that is not ventilated in such a manner as to render harmless so far as practicable any gases, vapours, dust or other impurities generated therein that are injurious or dangerous to health, or that is so overcrowded as to be injurious or dangerous to the health of those employed or being therein;
- (j) any fireplace or furnace, the fires of which do not, so far as practicable, consume the smoke arising from the combustible matter used therein for working engines or used in a mill, factory, dye-house, brewery, bakehouse or gas works, or in any manufacturing or trade process whatever;
- (k) any chimney emitting smoke in such quantity as to be injurious or dangerous to health; and
- (l) any burial ground, cemetery or other place of sepulture so located or so crowded or otherwise so arranged or managed as to be offensive or injurious or dangerous to health,

shall be deemed nuisances within the meaning of this Act. R.S.O. 1960, c. 321, s. 83.

87. The medical officer of health of a municipality, or any inspector or other person in the employ of the local board acting under his instructions, or any member of a local board, may enter, inspect and examine at any time of the day or night, as often as he thinks necessary, any premises in the municipality for the purpose of carrying out this Act, and may take such action as he considers necessary for carrying it out, and any person in charge of such premises for the time being shall render such aid to the medical officer of health or other person as is necessary to make such inspection or examination. R.S.O. 1960, c. 321, s. 84.

Inspection
of muni-
cipality

Care of aged
and infirm
persons

88. Where a medical officer of health, inspector or other person in making an inspection or examination under section 87 finds that any premises are used for the accommodation of aged or infirm persons, or children between the ages of three years and sixteen years, for gain or reward, he may give such orders or directions as, in his opinion, are necessary to ensure that such persons receive proper care and treatment and, in the event that his orders and directions are not carried out, he may order that the premises cease to be used for such accommodation. R.S.O. 1960, c. 321, s. 85.

Duty of
medical
health
officer

89.—(1) Every medical officer of health shall ensure that the municipality or location for which he is appointed is regularly inspected in order to prevent nuisances or to abate any existing nuisance.

Order for
cleansing

(2) If upon such examination he finds any premises in a filthy or unclean state or that any matter or thing is there that, in his opinion, may endanger the public health, he may order the owner or occupant of the premises to cleanse the premises and to remove or destroy what is so found therein. R.S.O. 1960, c. 321, s. 86.

Where
owner
unknown or
non-
resident

90. Where the owner of any premises wherein a nuisance exists is unknown or does not reside in the municipality and the premises are unoccupied or the occupant is unable to remove the nuisance, the medical officer of health or the local board may, without previous notice, immediately cause the nuisance to be abated. R.S.O. 1960, c. 321, s. 87.

Disposition
of articles
removed

91. Where, under this Act, the regulations or a municipal by-law, a local board or a medical officer of health or public health inspector removes anything that is likely to be injurious to or to become or cause or is a nuisance, such thing shall be subject to the disposition of the local board or, if the officer is acting under a by-law of a municipal council, is subject to the disposition of the council, and the owner of such thing has no claim in respect thereof. R.S.O. 1960, c. 321, s. 88; 1966, c. 125, s. 16.

Service of
notice
requiring
abatement
of nuisance

92.—(1) Wherever the local board or medical officer of health is satisfied of the existence of a nuisance, the medical officer of health shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance exists or from which it arises, requiring him to abate it within a time to be specified in the notice and to execute such works and do such things as may be necessary for that purpose.

Service on
owner when
required

(2) Where the nuisance arises from the want or the defective construction of a structural convenience or where there is no occupier of the premises, notice shall be served on the owner.

(3) Where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act or default of the owner or occupier of the premises and it is therefore improper that the owner or occupier should be required to abate it, the local board shall abate the nuisance at the expense of the municipality. R.S.O. 1960, c. 321, s. 89.

Where
owner and
occupant
not in fault

93. Where a nuisance appears to be wholly or partially caused by some act or default committed or taking place outside the municipality, the local board of the municipality affected shall cause an inspection to be made and, when necessary, shall take or cause to be taken against the person by whose act or default the nuisance is caused in whole or in part any proceedings authorized by this Act in relation to nuisances with the same incidents and consequences as if such act or default were committed or took place wholly within its jurisdiction. R.S.O. 1960, c. 321, s. 90.

Where
cause of
nuisance
out of mun-
cipality

94.—(1) If, on investigation by the local board, a nuisance is found to exist and if, after the board has required its removal or abatement within a specified time, the board finds that default in removal or abatement has been made and the case appears to the local board to involve the expenditure or loss of a considerable sum of money or serious interference with a trade or industry or other considerations of difficulty, the Department at the request of the local board may investigate and report upon the case.

Where con-
sideration
of difficulty
involved

(2) If the report of the Department recommends the removal or abatement of the nuisance, the local board or any ratepayer residing in the municipality, or within a mile thereof, may apply to a judge of the Supreme Court for an order for the removal or abatement of the nuisance, and to restrain the proprietors of any such industry from carrying on the same until the nuisance has been abated to the satisfaction of the Department, and the judge may make such order upon the report of the Department or upon such further evidence as he considers meet.

Application
to judge of
Supreme
Court

(3) *The Judges' Orders Enforcement Act* applies to every order made by a judge under this section. R.S.O. 1960, c. 321, s. 91.

Application
of R.S.O.
1970, c. 227

95.—(1) Where the owner or occupier of any premises in which a nuisance exists fails, after due notice, to abate it, the medical officer of health or public health inspector may enter the premises and take such steps as may be necessary to abate it. R.S.O. 1960, c. 321, s. 92 (1); 1966, c. 125, s. 17.

Where
owner or
occupier
neglects to
abate

(2) All reasonable costs and expenses incurred in abating a nuisance shall be deemed to be money paid for the use and at the request of the person by whose act, default or sufferance the nuisance was caused, and are recoverable from both the owner and the occupier for the time being of the premises.

Recovery of
expenses

Collection of
expenses as
taxes

(3) If the costs and expenses incurred in abating the nuisance are not paid by the owner or occupier within one month after a demand of payment, a statement of the amount of the costs and expenses and of the person by whom and the premises in respect of which they are payable shall be delivered to the clerk of the municipality who shall insert the amount in the collector's roll, and may be collected in like manner as municipal taxes.

Occupier's
right to
deduct pay-
ment from
rent

(4) The occupier for the time being of the premises may deduct any money recovered or collected from him that, as between him and the owner, the latter ought to pay out of the rent then due or from time to time becoming due in respect of the premises.

Limit of
amount re-
coverable
from
occupier

(5) An occupier shall not be required to pay any further sum than the amount of rent for the time being due from him or that, after demand of such costs or expenses and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by the occupier unless he refuses truly to disclose the amount of his rent and the name and address of the person to whom it is payable, and the burden of proof that the sum demanded from the occupier is greater than the rent due by him at the time of such notice, or that has since accrued, is on the occupier. R.S.O. 1960, c. 321, s. 92 (2-5).

Where
application
in respect
of nuisance
must be to
Supreme
Court

96.—(1) Where such removal or abatement involves the loss or destruction of property to the value of \$2,000 or more, no determination or order of the Department or of a local board for the removal or abatement shall be enforced except by order of a judge of the Supreme Court.

Application
for order

(2) The order may be made upon the application of the Department or of the local board. R.S.O. 1960, c. 321, s. 93.

OFFENSIVE TRADES

Restriction
on estab-
lishment of
offensive
trades

97. Any person who, without the consent of the local board or of the municipal council, establishes a trade or business or manufacture for,

- (a) blood boiling;
- (b) bone boiling;
- (c) refining coal oil;
- (d) extracting oil from fish;
- (e) storing hides;
- (f) soap boiling;
- (g) tallow melting;
- (h) tripe boiling;
- (i) slaughtering animals;
- (j) tanning hides or skins;

- (k) manufacturing gas;
- (l) manufacturing glue;
- (m) manufacturing fertilizer from dead animals or from human or animal waste,

or any other trade, business or manufacture that is or may become offensive or that is by the regulations declared to be a noxious or offensive trade, business or manufacture, is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$250 in respect of the establishment thereof and to a fine of not less than \$20 for every day on which, after notice in writing by the local board or an officer thereof to desist, such business, trade or manufacture is carried on, whether there has or has not been any conviction in respect to its establishment. R.S.O. 1960, c. 321, s. 94.

98. Any person who keeps or stores any rags, bones, junk, bottles, scrap iron or other metals, or other refuse, in a municipality, except on premises approved of by the medical officer of health, is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50, and the continuance of the offence for each week after conviction shall be considered a separate offence. R.S.O. 1960, c. 321, s. 95.

Storing
rags, bones,
etc.

MEDICAL AND DENTAL INSPECTION IN SCHOOLS

99.—(1) For the purposes of this section and section 100, “school board” means a board having charge over a public, separate, or secondary school.

Interpre-
tation

(2) A school board may enter into an agreement with the local board of a municipality or health unit to provide for the medical and dental inspection and dental treatment by the local board of the pupils of the school or schools under the charge of the school board.

Agreement
for medical
and dental
inspection
of school
pupils

(3) Where an agreement is entered into by a local board under subsection 2, it has full power and authority to and, until otherwise determined by the school board, shall provide medical and dental inspection of the pupils of the schools mentioned in the agreement in accordance with this or any other Act relating thereto and any regulations made under this or any such other Act, and shall do and perform all acts, matters and things necessary for the purpose.

Power of
local board

(4) It is not necessary for the purposes of subsection 2 for an agreement entered into under it to provide for medical and dental inspection of the pupils of all schools in the charge of a school board or for all the schools in a municipality, but the agreement may relate to the pupils only of any one or more of such schools.

Agreement
need not
apply to all
schools

When local
board must
provide
inspection

(5) Where a school board is desirous of entering into an agreement with a local board under subsection 2 and the local board refuses to enter into it, the Minister, upon the application of the school board and after hearing the representations of the local board and if satisfied that the standards established under this Act for medical and dental inspection of pupils can be provided for, may direct the local board to enter into the necessary agreement and provide for such inspection. R.S.O. 1960, c. 321, s. 96, *amended*.

Public
health
nurses

100.—(1) Any school board may enter into an agreement with a county to provide for the employment by and at the expense of the county of public health nurses, school medical officers and dental officers in the schools under the control of the school board.

Medical
officer
to direct

(2) Where an agreement is entered into under this section and no school medical officer is appointed by the county, the medical officer of health having jurisdiction in the place where the schools are located shall direct and control the activities of the public health nurses so employed.

Levying
cost

(3) Where an agreement does not provide for a service in the schools of all the local municipalities forming part of the county, the county may levy the cost against the local municipalities in which the service is provided. R.S.O. 1960, c. 321, s. 97.

INSPECTION OF LODGING HOUSES, LAUNDRIES, ETC.

M.O.H. may
enter and
examine
lodging
houses,
tenements
and
laundries

101.—(1) The medical officer of health or any public health inspector acting under his instructions may, at any time of the day or night, as often as he thinks necessary, enter into a lodging house, tenement where rooms are rented, or a laundry where the owner or employees reside upon the premises, or other building where he has reason to suspect that it is overcrowded or occupied by more persons than is reasonably safe for their health. R.S.O. 1960, c. 321, s. 98 (1); 1966, c. 125, s. 18 (1).

When found
overcrowded
or un-
sanitary

(2) If upon such examination it is found that the premises are occupied by more persons than is reasonably safe for the health of the occupants and that the sleeping rooms are such that 600 cubic feet of air space cannot be provided for each occupant, or that the rooms or premises occupied by them are in a filthy or unclean state, or that any matter or thing is there that, in the opinion of the medical officer of health founded on his own inspection or on the report of the public health inspector, may endanger the public health or the health of the occupants, the medical officer of health may order the owner or occupant to remove the inmates from the premises, or to remove that which causes the premises to be filthy or unclean and put the rooms in a condition fit for human habitation. R.S.O. 1960, c. 321, s. 98 (2); 1966, c. 125, s. 18 (2).

102. Where in the opinion of the medical officer of health any premises are so situated, so constructed or so improperly lighted, or in any other respect of such a character or in such a condition as to be unfit for human habitation or dangerous to health, he may cause the premises to be closed and may affix a notice thereon in a prominent place setting forth the reason for the closing and that the premises are closed by order of the medical officer of health, and no person shall pull down or deface such notice or use the premises closed as a dwelling or cause the same to be so used. R.S.O. 1960, c. 321, s. 99.

Placarding
premises

INSPECTION OF DAIRIES, ETC.

103.—(1) The medical officer of health may make, or cause to be made by a food and dairy inspector or other competent person approved by the Department, an inspection, periodical or otherwise, of all dairies, cheese factories, creameries, dairy farms, slaughter-houses and other lands or premises wherein or from which any milk, cream, cheese, butter, meat or other product intended for human consumption is produced, handled, stored, made, processed, packed, bottled, distributed or delivered, and if upon or as a result of any such inspection he finds that any such building, land or premises, or the equipment, machinery, works or other part of the plant therein, or any other matter or thing therein, is in a filthy or unclean state or that the operations carried on therein are not or cannot be carried on in a sanitary manner, or that persons are employed therein who from incompetency, uncleanness or otherwise are not proper to be employed therein so that from, or by reason of any such matters or things the public health may be endangered, he may order the owner or occupant of such building, land or premises to remedy such matters or things to his satisfaction and, until such time as he is satisfied that such matters or things are remedied, he may prohibit or regulate the distribution, delivery, sale or offering for sale of any products from such building, land or premises.

Inspection
of dairies,
etc.

(2) When any of the products mentioned in subsection 1 are distributed or delivered from or are made in any of the buildings, land or premises mentioned in that subsection and are sold or offered for sale in a municipality other than the one in which the building, land or premises is situate, the medical officer of health of such other municipality may with respect thereto exercise the powers conferred by subsection 1 and may prohibit or regulate the distribution, delivery, sale or offering for sale of such products in the municipality in which he is the medical officer of health.

Where
distribution,
delivery,
etc., is made
in other
centres

(3) The owner or occupant of a building, land or premises who is dissatisfied with an order, prohibition or regulation made by a medical officer of health under this section may, within seven days of notice thereof being served upon him personally or sent by registered mail at his last known address or at the building, land

Appeal
from order,
etc.

or premises in question, appeal from such order, prohibition or regulation to the Minister whose decision in the matter is final and not subject to question or review in any court.

Offence

(4) Any person contravening the terms of any order, prohibition or regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$5 and not more than \$100 for each offence, and any product distributed, delivered, sold or offered for sale in contravention of any such prohibition or regulation may upon the order of the convicting justice or provincial judge be confiscated and destroyed. R.S.O. 1960, c. 321, s. 101, *amended*.

PASTEURIZATION OF MILK

No person
to sell
unpasteurized
milk

104.—(1) No person shall sell, offer for sale or deliver in any city or town, or in any other municipality or other area to which, by order in council made upon the recommendation of the Minister, this section is made applicable, milk that has not been pasteurized in a pasteurization plant to which the Department has issued a certificate of approval in the prescribed form.

Exceptions

(2) This section does not apply to milk brought into any such city, town, municipality or area by the producer and sold by wholesale to a distributor, nor to products of milk prepared in a plant and by methods approved by the Department. R.S.O. 1960, c. 321, s. 102 (1, 2).

Seizure of
milk

(3) Any medical officer of health, public health inspector, food and dairy inspector and any person authorized by a medical officer of health may, without laying any information or obtaining any warrant, seize and remove any milk sold, offered for sale or delivered, including any container in which such milk is found, for the purpose of causing an analysis of such milk to be made. R.S.O. 1960, c. 321, s. 102 (3); 1966, c. 125, s. 19.

Offence

(4) Any person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500. R.S.O. 1960, c. 321, s. 102 (4).

WATERWORKS AND SEWERAGE

Report of
Department
re waterworks
or sewerage,
assent of
electors not
required

105.—(1) Where the Department reports in writing that it is of opinion that it is necessary in the interest of the public health that a waterworks system or an adequate water purification plant, or a sewer or a sewerage system, or an adequate sewage treatment plant should be established or continued, or that any existing waterworks system, water purification plant, sewer or sewerage system, or sewage treatment plant should be improved, extended, enlarged, altered, renewed or replaced, it is not necessary to obtain the assent of the electors to a by-law for incurring a debt for any of such purposes.

(2) Where the Department has reported as provided by subsection 1, the council of the municipality shall forthwith pass all necessary by-laws for the establishment of the works reported upon and the municipality shall immediately commence the work and carry it to completion without unnecessary delay.

Council on report of Department to pass by-laws and carry out works

(3) The by-law shall not be finally passed until the approval of the Department has been obtained to the work to be done as hereinbefore provided and it shall recite such approval. R.S.O. 1960, c. 321, s. 103.

By-law not to be passed until approved

ICE SUPPLIES

106.—(1) The local board of a municipality in which supplies of ice are obtained, sold and stored may adopt such regulations regarding the source of supply and the place of storage of the ice as are, in its opinion, best adapted to secure the purity of the ice and prevent injury to the public health, and for the supervision of ice supplies, whether obtained in or outside the municipality, whenever the ice is intended for use in the municipality in which the board has jurisdiction.

Regulation of ice supply by local board

(2) No ice shall be cut from any lake, river, stream, pond or other water for the purpose of being sold or used for domestic purposes unless a permit therefor has been first obtained from the local board, and no person shall sell or deliver or dispose of in any way any ice for domestic purposes without first obtaining a permit therefor from the local board, and the local board may refuse a permit or revoke any granted by it when in its judgment the use of any ice cut or sold or to be cut or sold for domestic purposes under the permit is or would be detrimental to the public health.

Permit for cutting ice

(3) Every local board shall enforce the regulations of the Department and may prohibit the sale and use of any ice in the municipality when, in its judgment, the ice is unfit for use or the use of it would be detrimental to the public health.

Local board to enforce regulations

(4) The local board may prohibit and, through its officers, prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the municipality and may in the same manner prevent the sale of any such ice for domestic purposes in the municipality when, in its judgment, the ice is unfit for use or the use of it would be detrimental to the public health. R.S.O. 1960, c. 321, s. 104.

Prohibiting distribution in municipality

INSPECTION OF ANIMALS, MEAT, ETC.

107.—(1) A medical officer of health, food and dairy inspector or public health inspector may at all reasonable times inspect or examine any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour, milk or other article exposed

Inspection of food supplies

for sale or deposited in any place for the purpose of sale, or for preparation for sale, and intended for food for man, and, if such article appears to him to be diseased or unsound or unwholesome or unfit for food for man, he may seize and carry away the article, or cause it to be seized and carried away, in order that it may be destroyed or so disposed of as to prevent it from being exposed for sale or used as food for man. R.S.O. 1960, c. 321, s. 105 (1); 1966, c. 125, s. 20.

Offence

(2) The person to whom the article belongs or did belong at the time of exposure for sale, or in whose possession or on whose premises the article was found, is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for every such article, unless he proves that he did not know and had no means of knowing the condition of the article.

Scientific
examination
where exist-
ence of cer-
tain diseases
charged
R.S.C. 1952,
c. 9

(3) Where it is charged upon a prosecution under this section that an animal, or the meat or milk of an animal, is affected with a disease named in section 2 of the *Animal Contagious Diseases Act* (Canada), or with wens, clyers, actinomycosis or osteosarcoma or any disease of a cancerous nature, the medical officer of health may make, or cause to be made, or request the Department to make, such scientific examination of the animal, meat or milk suspected of being diseased as may enable it to be determined whether or not such disease exists, and the Minister may instruct an officer of the Department to make such examination or cause it to be made.

Expenses
and fee on
examination

(4) The expenses of such examination, together with a fee not exceeding \$10, shall be certified by the Deputy Minister and is payable by the treasurer of the municipality in which the animal, meat or milk is found.

Burden of
proof

(5) In a prosecution under this section, the burden of proof that an article in respect of which the charge is laid is not kept for sale or intended for food for man is upon the person charged.

Permit re-
quired for
manu-
facturing
carbonated
water, etc.

(6) No person shall manufacture or bottle for sale as food for man any beverage such as carbonated water, natural and artificial mineral water, spring and distilled water, unfermented wine or cordials, concentrated syrup, extracts, essence, fruit juice or any dry substance in concentrated form for the manufacture of any beverage, brewed ginger beer, or other non-intoxicating drink, without first obtaining a permit in writing so to do from the medical officer of health and the local board of the municipality in which the manufacturing or bottling is to be conducted.

Cancellation
of permit

(7) When the medical officer and local board of health desire to cancel a permit, they shall give notice in writing of the cancellation to the person or the agent of the person to whom the permit

was issued, and the cancellation does not become effective until thirty days after receipt of the notice by the person or agent.

(8) Such permit may be refused and, if granted, may be cancelled or revoked for failure to comply with the regulations pertaining to the building, equipment and methods of manufacture or bottling of such beverage, or if such beverage upon analysis is found to be contaminated or contain any injurious ingredients, or for other cause is found to be unfit for food. R.S.O. 1960, c. 321, s. 105 (2-8). Grounds for refusal or revocation

108.—(1) Whenever a medical officer of health, food and dairy inspector or public health inspector knows or has reason to believe that blood, offal or the meat of any dead animal that has not been previously boiled or steamed when fresh or before becoming putrid or decomposed or that, although boiled or steamed, is putrid or decomposed has been or is being fed to hogs, he may seize and carry away the hogs, whether dead or alive, or otherwise detain them so as to prevent their removal. R.S.O. 1960, c. 321, s. 106 (1); 1966, c. 125, s. 21. Feeding certain things to hogs

(2) The owner, or person in charge of, or any person, found feeding any such blood, offal or meat to hogs is guilty of an offence and on summary conviction is liable to a fine of not less than \$5 and not more than \$50 and, upon his conviction, the medical officer of health shall order the hogs, whether dead or alive, to be destroyed or so disposed of as to prevent them from being exposed for sale or used for food for man. Offence

(3) In a prosecution under this section in which it is proved that blood, offal or decomposed meat was found upon the premises, the burden of proof that it was not intended to be fed to hogs is upon the person charged. R.S.O. 1960, c. 321, s. 106, (2, 3). Burden of proof

109. Any person who cooks garbage or other refuse that has been collected or otherwise obtained from other persons, except on premises approved by the medical officer of health, is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50, and the continuance of the offence for each week after conviction shall be considered a separate offence. R.S.O. 1960, c. 321, s. 107. Cooking of garbage

110.—(1) Every butcher and other person selling meat shall, on the request of the medical officer of health, make an affidavit as to the place at which the slaughter of his meat is carried on and, where it is outside the municipality, such place shall be open to inspection by the medical officer of health, food and dairy inspector or by an inspector appointed by the council of the municipality in which the meat is offered for sale. Inspection of slaughter houses

Notice to
discontinue
sale

(2) In the case of the refusal or neglect to make such affidavit or permit such inspection, the local board may give notice in writing to the butcher or other person to discontinue the sale of meat in the municipality.

Offence

(3) If after receiving such notice the butcher or other person sells or offers for sale any meat in the municipality, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$20. R.S.O. 1960, c. 321, s. 108.

Offence

111.—(1) Any person who knowingly sells, or has in his possession with intent to sell as food for man, the meat of a calf less than three weeks old is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50.

Burden of
proof

(2) In a prosecution under this section in which it is proved that the meat of a calf less than three weeks old was found upon the premises, the burden of proof that it was not intended as food for man is upon the person charged. R.S.O. 1960, c. 321, s. 109.

MUNICIPAL SLAUGHTER-HOUSES, ABATTOIRS, ETC.

By-laws for
establishing
slaughter-
houses,
cattle-
yards
or pens

112.—(1) The council of a city or town may by by-law provide for the establishment in the municipality, or in an adjoining municipality whose council has by by-law sanctioned its establishment therein, of a public slaughter-house or abattoir with proper cattle-yards and pens in connection therewith for the proper keeping therein of animals intended for slaughter, and for charging fees for the use thereof.

Regulation
of
slaughter-
houses, etc.

(2) Every such slaughter-house, abattoir, cattle-yard and pen shall be constructed, equipped and regulated in conformity with the regulations. R.S.O. 1960, c. 321, s. 110.

Local board
of health
to have
control

113. The local board of the city or town by which the slaughter-house, abattoir, cattle-yard or pen is established has the supervision of it and is responsible for the due carrying out of the regulations, and the costs of the supervision and inspection shall be paid from time to time by the treasurer of the city or town out of the fees charged on the order of the local board. R.S.O. 1960, c. 321, s. 111.

Inspection

114. Such local board may employ one or more persons, approved of by the medical officer of health, to inspect at the slaughter-house, abattoir, cattle-yard or pen all animals, carcasses and meat brought into the municipality and intended for food for man. R.S.O. 1960, c. 321, s. 112.

Inspection
of meat-
packing
establish-
ments

115. Any meat-packing establishment is subject to inspection in the same manner as a municipal slaughter-house or abattoir. R.S.O. 1960, c. 321, s. 113.

USE OF FORCE—ASSISTANCE BY CONSTABLES, ETC.

116. Any person who obstructs, hinders, delays or prevents an officer of the Department, or any local board or a member thereof, medical officer of health or public health inspector, or any person employed by or acting under the direction of any of them in the exercise of any of the powers conferred, or performance of any of the duties imposed upon them by this Act or by the regulations, or in carrying out any order lawfully given by them, is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$100. R.S.O. 1960, c. 321, s. 114; 1966, c. 125, s. 22. Offence

117. Whenever a local board or a member thereof, medical officer of health or public health inspector is required or empowered by this or any other Act or by the regulations or by a municipal by-law to do or to prevent or to direct or enforce the doing of anything, such board or member or officer or inspector may use such force and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any constable or other person, and it is the duty of every constable so called upon to render such assistance. R.S.O. 1960, c. 321, s. 115; 1966, c. 125, s. 23. Calling for assistance of constables, etc.

FINES AND THE RECOVERY THEREOF

118.—(1) Any person who contravenes any of the provisions of sections 62 to 84 for which no other penalty is provided is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$100. R.S.O. 1960, c. 321, s. 116 (1). Offences re communicable diseases

(2) Any person who contravenes any other provision of this Act or of the regulations or of any municipal by-law passed under this Act, or who wilfully disobeys or neglects to carry out any order or direction lawfully given by the Department, a local board, member of a local board, medical officer of health or public health inspector, unless it is otherwise provided, is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500. R.S.O. 1960, c. 321, s. 116 (2); 1965, c. 106, s. 5; 1966, c. 125, s. 24. Other offences

(3) Where a person has been convicted of an offence under this Act or under any regulation or by-law enacted or in force thereunder, and the offence is in the nature of an omission or neglect, or is in respect of the existence of a nuisance or other unsanitary condition that it is such person's duty to remove, or of the erection or construction of anything contrary to this Act or any regulation or by-law enacted or in force thereunder, then, if the proper authority in that behalf gives reasonable notice to the person to make good the omission or neglect, or to remove the Continuance of offence

nuisance or unsanitary condition, or to remove the thing that has been erected or constructed contrary to this Act or to such regulation or by-law, and default is made in respect thereof, the person offending may be convicted for such default and is liable to the same punishment as was or might have been imposed for the original offence, and so on, from time to time, as often as after another conviction, a new notice is given and the default continues, and, in case of a third or subsequent conviction, it is not necessary in the information, conviction or other proceedings to make any reference to any conviction, except the first, or to any notice except that in respect of which the proceedings are then being taken.

Offence

(4) Every person who sells either publicly or privately any of the biological products supplied to the public free of charge by the Department is guilty of an offence and on summary conviction is liable to a fine of \$100 and, in default of payment thereof, is liable to imprisonment for a term of three months.

Offence

(5) Every person who sells either publicly or privately any report or information received from the Department relating to any test of water or milk, and every person who charges any fee for any such report or information, is guilty of an offence and on summary conviction is liable to a fine of \$100, and, in default of payment thereof, is liable to imprisonment for a term of not more than three months. R.S.O. 1960, c. 321, s. 116 (3-5).

Recovery of
fines

119. The fines imposed by or under the authority of this Act are recoverable before a provincial judge or two justices of the peace. R.S.O. 1960, c. 321, s. 117, *amended*.

Application
of fines
R.S.O. 1970,
c. 6

120.—(1) Subject to *The Administration of Justice Act*, every fine recovered under this Act where the prosecution is by or at the instance of a municipality, or the local board, or the medical officer of health or other health officers of the municipality, shall be paid to the treasurer of the municipality in which the offence was committed for the use of the local board.

Offences in
unorganized
territory

(2) Where the prosecution is at the instance of the Department or of any provincial officer or where the offence was committed in territory without municipal organization, the fine shall be paid to the Treasurer of Ontario. R.S.O. 1960, c. 321, s. 118, *amended*.

Where
offence is
against Act
and by-law

121. Where any act or omission is a contravention of any express provision of this Act and is also a contravention of a by-law of a municipality in respect of a matter over which the council of the municipality has jurisdiction, a conviction may be had under either the Act or the by-law, but a conviction shall not be made under both for the same act or omission. R.S.O. 1960, c. 321, s. 119.

122. The Lieutenant Governor in Council may appoint one or more provincial analysts for the purposes of this and every other Act in which a provincial analyst is mentioned. 1960-61, c. 80, s. 2. Provincial analysts

123. In a prosecution under this Act or the regulations, upon production of a certificate or report signed or purporting to be signed by a provincial analyst as to the analysis or ingredients of any milk or water, or any upholstered or stuffed articles including mattresses, quilts, covers, pillows and other bedding, furniture and dolls, such certificate or report is *prima facie* evidence of the facts stated therein and of the authority of the person giving or making the certificate or report without any proof of appointment or signature. R.S.O. 1960, c. 321, s. 120. Certificate to be evidence of fact

124. Where a person who is unable from poverty or other sufficient cause to comply with any of the provisions of this Act or of the regulations gives notice of such inability to the medical officer of health, and the local board on examination is satisfied of such inability, the secretary thereof shall give his certificate to that effect, and such certificate is a bar to all proceedings against such person for a period of six months. R.S.O. 1960, c. 321, s. 121. Certificate of poverty or inability a bar to prosecution

STATUTORY BY-LAW

125.—(1) Subject to section 8, the by-law in Schedule B shall be in force in every municipality as if enacted by the council thereof, and the council of every municipality may pass by-laws with the approval of the Minister for making additional requirements in respect of any matters dealt with by the by-law in Schedule B. Application of Sched. B

(2) The council of any municipality may, with the approval of the Minister, amend the by-law in Schedule B for the purposes of such municipality so as to conform to the requirements of the municipality or to meet such special circumstances as, in the opinion of the Minister, may warrant such amendment and, subject to section 8, every such amendment has the same force and authority as a regulation made by the Minister. Power of municipality to amend Sched. B

(3) The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing that the by-law in Schedule B, or any of the matters dealt with therein, shall apply *mutatis mutandis* to territory without municipal organization or any area forming a part thereof designated by the regulations;
- (b) amending the by-law in Schedule B,
 - (i) so as to conform with the requirements of any area mentioned in clause *a*, or

- (ii) to meet such special circumstances as may warrant such amendment, or
- (iii) for making additional requirements in respect of any matter mentioned in Schedule B. R.S.O. 1960, c. 321, s. 122.

Public
swimming
pools,
regulating

126. The board of health of a health unit or the council of a municipality that does not form part of a health unit may pass by-laws,

- (a) for governing and regulating public swimming pools;
- (b) for licensing public swimming pools and prescribing conditions therefor, including a fee for each licence, and for revoking such licences; and
- (c) for prohibiting the use of public swimming pools unless licensed. 1964, c. 93, s. 11.

POSTPONEMENT OF MUNICIPAL AND SCHOOL ELECTIONS

Postpone-
ment of
election in
case of
epidemics

127.—(1) Where the Minister reports to the Lieutenant Governor that on account of the prevalence in a municipality of a communicable disease it would be dangerous to hold an election in the municipality, the Lieutenant Governor in Council may, of his own motion or upon the application of the council of the municipality, issue his proclamation postponing the holding of any intended municipal or school election for a period not exceeding three months, and may from time to time further postpone the election if, in the opinion of the Minister, the necessity for postponement continues.

Fixing date
for holding
postponed
election

(2) The Lieutenant Governor may, by the proclamation, name the days for holding the nomination and polling, but, if no days are named therefor, the council shall as soon as practicable after the period named in such proclamation, or the last of such proclamations, expires, by by-law name the days for the nomination and polling. R.S.O. 1960, c. 321, s. 123.

UNORGANIZED TERRITORY

Application
of ss. 129
to 135

128. Sections 129 to 135 apply only to territory without county or regional or district municipality organization. R.S.O. 1960, c. 321, s. 124.

Regulations

129.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may make regulations,

- (a) respecting any industry and the conditions under which the industry may be carried on for the purpose of preventing nuisances and the outbreak or spread of disease;

- (b) providing for the cleansing, regulating and inspection of lumbering camps and of mining camps and railway construction works and of other places where labour is employed;
- (c) providing for the inspection of houses and premises;
- (d) providing for the employment of legally qualified medical practitioners by employers of labour in lumbering camps and in mining camps and on railway construction works and other works where labour is employed;
- (e) respecting the entering into, adoption, establishment, operation, termination or suspension of,
 - (i) any contract for the employment of a legally qualified medical practitioner to undertake the medical and surgical care and treatment of employees of one or more employers of labour mentioned in this section,
 - (ii) any scheme or arrangement for the medical and surgical care and treatment of employees of one or more employers of labour mentioned in this section, or
 - (iii) any scheme or arrangement for the hospital care and treatment of employees of one or more employers of labour mentioned in this section who are not residents as defined by the regulations under *The Hospital Services Commission Act* and who are not entitled to receive insured services under a hospitalization plan administered by or under the authority of the government of another province pursuant to an agreement made by that province with the Government of Canada under the *Hospital Insurance and Diagnostic Services Act* (Canada),

R.S.O. 1970,
c. 209

1957, c. 28
(Can.)

and prescribing the forms to be used and reports to be made to the Minister;

- (f) prescribing, with respect to the deductions referred to in section 130, the amount thereof, the method of collection, the accounting therefor, the reports to be made in connection therewith, and providing for the inspection of employers' books and the conditions of payment to a legally qualified medical practitioner or other person entitled to receive such payments.

(2) The regulations may be general in their application or may be made applicable specially to any particular locality or industry.

General,
local or
special

(3) The expenses of carrying out the regulations shall be paid to the person entitled thereto by the persons whose duty it is to carry out such regulations, and the amount so to be paid shall be

Expenses

apportioned by the Minister among them as he considers proper, and every amount so apportioned shall be deemed to be a debt due from the person and may be recovered by the person entitled thereto by action in any court of competent jurisdiction.

Procedure
on default
of com-
pliance

(4) If default is made in complying with any of the regulations, the Department may direct that what is omitted to be done shall be done at the expense of the person in default and, if the default is the failure to employ a legally qualified medical practitioner as provided by clause *d* of subsection 1, the employing person is liable to pay the reasonable expenses incurred by any employee for medical attendance and medicines, and for his maintenance during his illness.

Penalties for
breaches of
regulations

(5) Where any regulation has been made by the Minister with the approval of the Lieutenant Governor in Council under this section relating to territory without municipal organization, the regulation may provide for the imposing of fines for the contravention of any regulation made under this section and every such fine is recoverable under *The Summary Convictions Act* before a provincial judge or two justices of the peace. R.S.O. 1960, c. 321, s. 125, *amended*.

R.S.O. 1970,
c. 450

Medical and
surgical
contracts
and schemes
and
deduction
from wages

130.—(1) Where an employer of labour mentioned in section 129,

- (a) has entered into a medical contract for the employment of a legally qualified medical practitioner to undertake the medical and surgical care and treatment of his employees; or
- (b) has established a scheme or entered into an arrangement for the medical and surgical care and treatment of his employees,

under which the employer is responsible for the provision of the medical and surgical care and treatment for a period not exceeding thirty days in respect of each illness or disability, the employer may, with the approval of the Minister, deduct the amount prescribed by the regulations, but not exceeding \$1.50 per month, from the wages of each employee.

Hospital
schemes
for non-
resident
employees
and
deduction
from wages
R.S.O. 1970,
c. 209

(2) Where an employer of labour mentioned in section 129 has established a scheme or entered into an arrangement referred to in subclause iii of clause *e* of subsection 1 of section 129, he may deduct monthly the amount prescribed as the premium rate payable by a single person by the regulations under *The Hospital Services Commission Act* from the wages of each employee entitled to the care and treatment under the scheme or arrangement.

Extent of
hospital
scheme

(3) Any scheme or arrangement referred to in subsection 2 shall provide hospital care and treatment so long as it is medically necessary for a period not exceeding ninety days whether the

employee is hospitalized in Ontario or in another province or territory of Canada. R.S.O. 1960, c. 321, s. 126.

131. Every constable is *ex officio* a public health inspector for the locality for which he is appointed. R.S.O. 1960, c. 321, s. 127; 1966, c. 125, s. 25.

Constables
to be
ex officio
public health
inspectors

132. The Superintendent of the Algonquin Park is *ex officio* a medical officer of health for the Park and for the territory surrounding it for the distance of one mile therefrom or from any part thereof, and all the park rangers, whether employed temporarily or otherwise, are *ex officio* public health inspectors under this Act for the Park and such territory. R.S.O. 1960, c. 321, s. 128; 1966, c. 125, s. 26.

Superinten-
dent and
officers in
Algonquin
Park

133. The Lieutenant Governor in Council may appoint medical officers of health and every such officer, in the locality for which he is appointed, has all the powers and shall perform all the duties by this Act or any other Act conferred or imposed upon medical officers of health or local boards of health, and shall also perform such other duties as the Lieutenant Governor in Council directs. R.S.O. 1960, c. 321, s. 129.

Local
officers of
health
specially
appointed

134. The Minister may, with the approval of the Lieutenant Governor in Council, appoint in any of the unorganized districts one or more public health inspectors, who possess, in addition to the powers conferred upon public health inspectors by this Act, all the powers conferred upon local boards of health by section 27. R.S.O. 1960, c. 321, s. 130; 1966, c. 125, s. 27.

Public
health
inspectors

135. The medical officer of health and the public health inspectors shall be paid such salary or other remuneration as is determined by the Lieutenant Governor in Council out of the appropriation made by the Legislature for the purposes of the Department. R.S.O. 1960, c. 321, s. 131; 1966, c. 125, s. 28.

Salaries

136.—(1) Where a municipality in a territorial district,

- (a) does not form part of a health unit; and
- (b) does not provide full-time public health services,

Full-time
public health
services in
isolated
municipi-
palities

the Minister may enter into an agreement with the council of the municipality to provide full-time public health services.

(2) The agreement mentioned in subsection 1 shall specify the services to be rendered and the charges to be made for such services. 1967, c. 79, s. 9.

Idem

EXPENSES OF ENFORCEMENT OF ACT

Expenses
payable
in first
instance by
Ontario

137.—(1) The expenses incurred by the Department in the enforcement of this or any other Act or of the regulations are payable in the first instance by the Treasurer of Ontario out of any money appropriated by the Legislature for the expenses of the Department and in such manner and upon such certificate and after such audit as the regulations prescribe, notwithstanding anything in *The Audit Act* or any other Act to the contrary.

R.S.O. 1970,
c. 36

Payment on
certificate
of proper
officer

(2) Whenever an account is certified by the officer or officers designated in the regulations to be properly payable out of such appropriation, such certificate is final and the Provincial Auditor shall thereupon direct the issue of a cheque in payment of the account. R.S.O. 1960, c. 321, s. 132.

PROCEEDINGS NOT TO BE QUASHED FOR WANT OF FORM,
OR REMOVED INTO SUPREME COURT

Quashing
or removal
of pro-
ceedings

138. No order or other proceeding, matter or thing, done or transacted in or relating to the execution of this Act, shall be vacated, quashed or set aside for want of form, or be removed or removable by *certiorari* or otherwise into the Supreme Court. R.S.O. 1960, c. 321, s. 133.

SCHEDULE A

(Section 54 (2))

PUBLIC HEALTH NOTICE

Take notice that, by virtue of *The Public Health Act* and the regulations made thereunder, possession has been taken (or obtained, as the case may be) of the following lands (or buildings, as the case may be), namely,

(Reasonable Description)

and further take notice that such land (or building) will be occupied and used for the purposes of the said Act or regulations from and after the date hereof for a period of or such other time as may, in the discretion of the undersigned, be necessary.

Dated, etc.

(Signature)

R.S.O. 1960, c. 321, Sched. A.

SCHEDULE B

(Sections 10 (6), 125)

BY-LAW IN FORCE IN EVERY MUNICIPALITY UNTIL ALTERED BY
THE MUNICIPAL COUNCIL

1. The medical officer of health shall assist and advise the local board of health and its officers in matters relating to public health, and superintend the enforcement and observance within the municipality of health by-laws or regulations, and of public health Acts, and of any other sanitary laws, and perform such other duties and lawful acts for the preservation of the public health as are, in his opinion, necessary, or as are required by the Department of Health for Ontario. He shall also present to the said board, before the 31st day of January in each year, a full report upon the sanitary condition of the municipality during the preceding calendar year. Duty of
M.O.H.
2. The public health inspector, besides performing the duties imposed by this by-law, shall assist the medical officer of health, and perform such other duties as are from time to time assigned to him by the local board of health or the medical officer of health. Duty of
public health
inspector
3. The chairman of the local board of health shall, before the 15th day of February in each year, present to this council a report containing a detailed statement of the work of the board during the year, and the report of the sanitary condition of the municipality as rendered to the board by the medical officer of health. A copy of each such report shall be transmitted by the secretary to the Department. Chairman
of board of
health to
report to
council
4. No person shall within the municipality suffer the accumulation upon his premises, or deposit or permit the deposit upon any land belonging to him of anything that may endanger the public health, or deposit upon, on or into any street, square, lane, by-way, wharf, dock, slip, lake pond, bank, harbour, river, stream, sewer or water, any manure or other refuse, or vegetable or animal matter or other filth. Deposits
endangering
public
health
prohibited
5. The public health inspector shall keep a vigilant supervision over all streets, lanes, by-ways, lots or premises upon which any such accumulation may be found, and at once notify the persons who own or occupy such lots or premises, or who either personally or through their employees have deposited such manure, refuse, matter or filth in any street, lane or by-way to cleanse the same and to remove what is found thereon. Such persons shall forthwith remove the same, and if the same be not removed within twenty-four hours after such notification, the inspector may prosecute the persons so offending, and he may also cause the same to be removed at the expense of the person or persons so offending. He shall also inspect at intervals, as directed by the local board of health or medical officer of health, all premises occupied by persons residing within the municipality, and shall report to the board every contravention of any of the provisions of this by-law or of any other regulation for the preservation of the public health, and shall also report every case of refusal to permit him to make such inspection. Duty of
public health
inspector
as to lands,
etc.
6. Whenever it appears to the local board or to any of its officers that it is necessary for the preservation of the public health or for the abatement of anything dangerous or injurious to the public health, or whenever a notice signed by one or more inhabitant householders of the municipality is received stating the condition of any building in the municipality to be so filthy as to be dangerous to the public health or that upon any premises in the municipality there is any foul or offensive ditch, gutter, drain, privy, cesspool, ash-pit or cellar kept or constructed so as to be dangerous or injurious to the public health or that upon any such premises an accumulation of dung, manure, offal, filth, refuse, stagnant water or other matter or thing is kept so as to be dangerous or injurious to the public health, the public health inspector shall enter such building or premises for the purpose of examining the same, and if necessary he shall order the removal of such matter or thing. If the occupant or owner or his lawful agent or representative having charge or control of such building or premises, after having had twenty-four hours notice from any such officer to remove or abate such matter or thing, neglects or refuses to remove or abate the same, he is subject to the fines mentioned in section 29 of this by-law. Examination
of premises
by public
health
inspectors

Notice to
put premises
in proper
sanitary
condition

7. If the local board is satisfied upon due examination that a cellar, room, tenement or building within the municipality, occupied as a dwelling place, has become by reason of the number of occupants, want of cleanliness, the existence therein of a communicable disease, or other cause, unfit for such purpose, or that it has become a nuisance, or in any way dangerous or injurious to the health of the occupants, or of the public, the board may give notice in writing to such occupants, or any of them, requiring the premises to be put in proper sanitary condition, or requiring the occupants to quit the premises within such time as the board deems reasonable. If the person so notified, or any of them, neglect or refuse to comply with the terms of the notice, every person so offending is liable to the fines mentioned in section 29 of this by-law and the board may cause the premises to be properly cleansed at the expense of the owners or occupants or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling place until put into proper sanitary condition. -

Location of
slaughter-
house, etc.

8. No person shall at any time use any house, shop or out-house as a slaughter-house or as a place for slaughtering animals or fowl therein, unless such shop, house or out-house is distant not less than 200 yards from any dwelling house and not less than 50 yards from any public street.

Inspection
of slaughter-
houses

9. All slaughter-houses within the municipality are subject to inspection under the direction of the local board of health, and no person shall keep any slaughter-house unless the permission in writing of the board for the keeping of such slaughter-house has been first obtained and remains unrevoked. Such permission shall be granted, after approval of such premises upon inspection, subject to the condition that the slaughter-house shall be so kept as to comply with the regulations of the Department respecting slaughter-houses, and upon such condition being broken the permission may be revoked by the board, and all animals to be slaughtered, and all fresh meat exposed for sale in the municipality are subject to like inspection.

Inspection
of cow
stables,
cheese fac-
tories and
creameries

10. All milch cows, cow stables and dairies, and all places in which milk is sold or kept for general use, and all cheese factories and creameries are subject to inspection under the direction of the board, and the proprietors shall obtain permission in writing from the board to keep any such dairy or other place in which milk is so sold or kept or to keep a cheese factory or creamery, and the same shall not be kept by any person without such permission, which shall be granted after approval of such premises upon inspection, subject to the condition that all such places are so kept and conducted that the milk will not contain any matter or thing liable to produce disease, either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, or any other cause, and upon such condition being broken, such permission may be revoked by the board.

Sale of
diseased
food

11. No person shall offer for sale within the municipality, as food, any diseased animal, or any meat, fish, fruit, vegetables, milk or other article of food which, by reason of disease, adulteration, impurity or other cause, is unfit for use.

Supply of
drinking
water

12. The owner of every house within the municipality shall provide for the occupants of the house a sufficient supply of water for drinking and sanitary purposes, and if any occupant of the house is not satisfied with the wholesomeness or sufficiency of such supply, he may apply to the local board of health to determine as to the same. If the supply is sufficient and wholesome, the expense incident to such determination shall be paid by such occupant, and if not, by the owner, and in either case such expense is recoverable in the same manner as municipal taxes.

Wells to be
treated

13. If the local board of health or the medical officer of health certifies that any well should be filled in or otherwise treated, such well shall be dealt with accordingly by the owner or occupant of the premises. Pending compliance with the order of the local board of health or the local medical officer of health, the local medical officer of health shall take such measures as in his judgment may be necessary to prevent the use of water from such well. No well shall be used as a privy, privy-vault or cesspool.

Establish-
ment of
privy-
vaults, etc.

14. No privy-vault, cesspool, septic tank or reservoir into which a privy, water-closet, stable or sink is drained shall be established until the approval in writing of the medical officer of health has been obtained.

15. Section 14 of this by-law does not apply to privies or closets with a water-tight container above the surface of the ground, but sufficient dry earth, wood ashes, coal ashes or other material to absorb all fluids of the deposit shall be thrown upon the contents of such privies daily, and the contents covered completely with chloride of lime once each week. The contents when removed shall be disposed of in a sanitary manner to the satisfaction of the medical officer of health or the local public health inspector.

Time deposits to be removed
16. If the exigencies or circumstances of the municipality require that privy-vaults, cesspools and reservoirs be allowed in accordance with section 14 of this by-law, they shall be cleaned out or disinfected, or both, on the order of the medical officer of health or the local board of health.

Cleaning out and disinfecting privy-vaults, etc.
17. Within the limits of the municipality no night-soil or contents of any cesspool, septic tank or reservoir shall be removed, unless the removal is by an odourless process.

Deodorization before removal
18. The owner of every house, apartment and place of business within the municipality shall provide for the occupants, employees and customers adequate sanitary closets and toilet accommodation.

Supplying toilet accommodation
19. All putrid and decaying animal or vegetable matter shall be removed from all cellars, buildings, out-buildings and yards on or before the 1st day of May in each year.

Removal of decayed animal or vegetable matter
20. Every householder and every hotel and restaurant-keeper or other person shall dispose of all garbage, for the disposal of which he is responsible, either by burning it or by placing it in a properly covered receptacle, the contents of which shall be removed at least twice in every week.

Removal of garbage
21. All restaurants or eating houses operated in the municipality shall have wash rooms and toilets, one for males and one for females, for the accommodation of the public.

Restaurants to have wash rooms, etc.
22. Swine shall not be kept within the municipality except in pens with floors kept free from standing water and regularly cleansed and disinfected and distant at least 100 feet from any dwelling house, schoolhouse or church.

Swine
23. The keeper of every livery or other stable shall keep his stable and stable-yard clean, and shall not permit more than two wagon-loads of manure to accumulate in or near his stable at any one time, and shall at all times keep such manure in a proper covered receptacle.

Livery stables
24. No house shall be built upon any site, the soil of which has been made up of any refuse, unless the soil has been removed from the site and the site disinfected, or unless the soil has been covered with a layer of charcoal or ashes or covered with a layer of concrete at least six inches thick and of such additional thickness as may be requisite under the circumstances to prevent the escape of gases into such proposed house.

Soil of house sites to be disinfected
25. The medical officer of health or the secretary of the local board of health shall provide each legally qualified medical practitioner practising within the municipality with blank forms on which he shall report cases of communicable disease to the medical officer of health, officer or secretary, and, also, with other blank forms on which to report death or recovery from any such disease.

Forms
26. All such forms shall be printed, gummed and folded so that they may be readily sealed, without the use of an envelope, and shall call for the following information:

Idem

Report of Communicable Disease.

- Given name and surname of patient:
- Age of patient:
- Locality (*giving street, number of house or lot*) where patient is:
- Name of disease:
- Name of school attended by children from that house:
- Measures employed for isolation and disinfection:

.....
(Signature of physician)

Report of Death or Recovery from Infectious Disease.

Given name and surname of patient:

Locality (*giving street, number of house or lot*) where patient is:

Name of disease:

How long sick:

Whether dead or recovered:

Means of disinfection employed, and when employed:

.....
(*Signature of physician*)

Placarding

27. The medical officer of health, within six hours after he has received notice of the existence in any house of any communicable disease or the presence of any communicable disease contacts in respect of which it is his duty to do so, shall affix or cause to be affixed near the entrance of such house, in plain view of the public, a card at least twelve inches wide and nine inches long, stating that such premises are under quarantine on account of such disease and the penalty for the affixing or removal of such card without the permission of the medical officer of health, and no person shall affix or remove any such card without his permission.

Animals
affected

28. No animal suffering from any communicable disease shall be brought or kept within the municipality, except by permission of the medical officer of health.

Offences

29. Any person who contravenes section 4, 6, 7, 9, 11, 24, 27, or 28 of this by-law shall for every offence incur a fine of not less than \$5 nor more than \$50; and any person who contravenes any other provision of this by-law shall for every offence incur a fine of not more than \$20; and such fines are recoverable under *The Summary Convictions Act*.

R.S.O. 1960, c. 321, Sched. B; 1966, c. 125, s. 29.

SCHEDULE C

Pharmacopoea Internationalis

The British Pharmacopoeia

The Pharmacopoeia of the United States of America

Codex Francais

The Canadian Formulary

The British Pharmaceutical Codex

The National Formulary

1965, c. 106, s. 6

CHAPTER 378

The Public Hospitals Act

1. In this Act,

Interpre-
tation

- (a) “administrator” means the person who has for the time being the direct and actual superintendence and charge of a hospital;
- (b) “board” means the board of directors, governors, trustees, commission or other governing body or authority of a hospital;
- (c) “Commission” means the Ontario Hospital Services Commission;
- (d) “Department” means the Department of Health;
- (e) “dependant” means a patient the charges for whose treatment some other person is liable for in law;
- (f) “hospital” means any institution, building or other premises or place established for the treatment of persons afflicted with or suffering from sickness, disease or injury, or for the treatment of convalescent or chronically ill persons that is approved under this Act as a public hospital;
- (g) “inspector” means an officer of the Commission or of the Department designated under this Act as an inspector;
- (h) “medical department” means a division of the medical staff of a hospital for the provision of a specified type of medical diagnosis or treatment;
- (i) “Minister” means the Minister of Health;
- (j) “municipality” means a city, separated town or county, except that in a territorial district it means a city, town, village, township or improvement district;
- (k) “out-patient” means a person who is received in a hospital for examination or treatment or both, but who is not admitted as a patient;
- (l) “patient” means a person received and lodged in a hospital for the purpose of treatment;
- (m) “provincial aid” means any sum paid to a hospital under this Act or under *The Hospital Services Commission Act*; R.S.O. 1970,
c. 209
- (n) “regulations” means the regulations made under this Act;

R.S.O. 1970,
c. 458

- (o) "resident" means actually resident in a municipality for a period of three months within the six months next prior to admission to a hospital;
- (p) "superintendent" has the same meaning as administrator;
- (q) "territorial district" means a territorial district set forth in *The Territorial Division Act*;
- (r) "treatment" means the maintenance, observation, medical care and supervision and skilled nursing care of a patient and, if dental service is made available in a hospital by its board, includes the dental care and supervision of the patient;
- (s) "unorganized territory" means those parts of Ontario that are without municipal organization, including Indian reservations and provincial parks, but not including property of the Government of Canada used for the purposes of national defence installations, camps or stations. R.S.O. 1960, c. 322, s. 1; 1965, c. 107, s. 1; 1966, c. 126, s. 1, *amended*.

Sanatoria
and private
hospitals
not affected
R.S.O. 1970,
c. 422, 361

2. Nothing in this Act in any way relates to or affects a sanatorium under *The Sanatoria for Consumptives Act* or a private hospital under *The Private Hospitals Act*. R.S.O. 1960, c. 322, s. 2.

Adminis-
tration and
enforcement

3. The Commission shall administer and enforce this Act and the regulations. R.S.O. 1960, c. 322, s. 3.

Approval of
incorporation
R.S.O. 1970,
c. 89

4.—(1) No application to incorporate a hospital under *The Corporations Act* or under a private Act shall be proceeded with until it has first received the approval of the Commission.

Approval
for use

(2) No institution, building or other premises or place shall be operated or used for the purposes of a hospital unless it has received the approval of the Lieutenant Governor in Council upon the recommendation of the Commission to the Minister.

Approval
of additions

(3) No additional building or facilities shall be added to a hospital until the plans therefor have been approved by the Commission. R.S.O. 1960, c. 322, s. 4 (2-4).

Approval
of sales

(4) No land, building or other premises or place or any part thereof acquired or used for the purposes of a hospital shall be sold, leased, mortgaged or otherwise disposed of without the approval of the Commission. R.S.O. 1960, c. 322, s. 4 (5); 1961-62, c. 116, s. 1.

Suspension
or revoca-
tion of
approval

(5) Any approval given or deemed to have been given under this Act in respect of a hospital may be suspended by the Minister on the recommendation of the Commission, or revoked by the Lieutenant Governor in Council. R.S.O. 1960, c. 322, s. 4 (6).

5. The Commission may pay provincial aid to hospitals in such amounts, in such manner and at such times as the regulations prescribe. R.S.O. 1960, c. 322, s. 5. Grants to hospitals

6. The Commission may make loans to hospitals under such terms and conditions, in such amounts, in such manner and at such times as the regulations provide. 1964, c. 94, s. 1. Loans to hospitals

7. Every hospital has power to carry on its undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or empowered so to do, but, where the provisions of any general or special Act conflict with the provisions of this Act or the regulations, the provisions of this Act and the regulations prevail. R.S.O. 1960, c. 322, s. 6. Hospital powers and their exercise

8. The board of a hospital or a corporation incorporated for the purpose of establishing a hospital may pass by-laws for expropriating any land that may be requisite for or advantageous to any of its purposes, and in that behalf may exercise the powers of expropriation conferred on a municipality under *The Municipal Act*, and the superintendent in such case shall exercise the powers and perform the duties that under that Act are to be exercised and performed by the clerk of the municipality. R.S.O. 1960, c. 322, s. 7, *amended*. Expropriation powers
R.S.O. 1970, c. 284

9.—(1) A hospital shall pass by-laws as prescribed by the regulations and submit them to the Commission. By-laws

(2) A hospital shall amend or revise its by-laws and submit them to the Commission after receiving notice to do so as prescribed by the regulations. Idem

(3) No by-law or amendment to or revision of a by-law has any force or effect until it is approved by the Lieutenant Governor in Council upon the recommendation to the Minister of the Commission. Idem

(4) Notwithstanding *The Corporations Act*, a hospital may provide by by-law for the election and retirement of directors in rotation, but in that case no director shall be elected for a term of more than five years and at least four directors shall retire from office each year. Rotation of directors
R.S.O. 1970, c. 89

(5) Notwithstanding *The Corporations Act*, a hospital may provide by by-law for the appointment by its board, in recognition of contributions or of long or special services to the hospital considered worthy of such appointment, of life directors, term directors and honorary directors. Special directors

(6) A life director may attend meetings of the board during his lifetime and vote in person but not by proxy thereat, and the number of life directors at any time shall not exceed the number of elected and *ex officio* directors. Idem

- Idem (7) A term director may attend meetings of the board for a term not exceeding ten years as specified in the by-law and vote in person but not by proxy thereat.
- Idem (8) An honorary director may attend meetings of the board and may act in an advisory capacity without the right to vote or may vote in person but not by proxy as determined by the by-law.
- Idem (9) The by-law may provide for the appointment of members or retired members of the medical, dental, nursing or administrative staffs of the hospital as honorary directors of the hospital.
- Idem (10) The number of honorary directors with the right to vote at board meetings plus the number of term directors at any time shall not exceed the number of elected and *ex officio* directors. R.S.O. 1960, c. 322, s. 8.
- Protection from liability **10.** No member of a committee of the medical staff of a hospital is liable for anything done or made *bona fide* by him or the committee in the course of or arising out of a meeting, investigation, hearing or other business of the committee. 1966, c. 126, s. 2, *part*.
- Medical records **11.** The medical record compiled in a hospital for a patient or an out-patient is the property of the hospital and shall be kept in the custody of the administrator. 1966, c. 126, s. 2, *part*.
- Management committee
R.S.O. 1970, c. 89 **12.** Notwithstanding *The Corporations Act*, no hospital by-law authorizing the board to elect a management committee and to delegate to the management committee any powers of the board requires to be confirmed at a general meeting of the members of the hospital corporation. R.S.O. 1960, c. 322, s. 9.
- No voting by proxy **13.** No member of a hospital corporation shall vote by proxy at any meeting of the corporation. R.S.O. 1960, c. 322, s. 10.
- Notice of hospital meetings **14.**—(1) Notwithstanding *The Corporations Act*, it is not necessary to send written notice of any general or special meeting of the members of the hospital corporation to each member of the hospital corporation.
- Idem (2) It is sufficient notice of any general or special meeting of the members of the hospital corporation if notice is given by publication at least once a week for two successive weeks next preceding the meeting in a newspaper or newspapers circulated in the municipality or municipalities in which members of the hospital corporation reside as shown by their addresses on the records of the hospital. R.S.O. 1960, c. 322, s. 11.
- Inspectors **15.** The Minister, on the recommendation of the Commission, may designate one or more officers of the Commission or of the Department to be inspectors for the purposes of this Act and the regulations. R.S.O. 1960, c. 322, s. 12.

16. No hospital for chronically ill persons shall admit as a patient an indigent person or the dependant of an indigent person until such person or dependant is certified in accordance with the regulations to be a chronically ill person. R.S.O. 1960, c. 322, s. 13.

Admission
of
chronically
ill persons

17.—(1) Except as is otherwise provided in this Act, no hospital receiving provincial aid that in the regulations is classed as a Group A, Group B, Group C or Group D hospital shall refuse to admit as a patient any person who from sickness, disease or injury or otherwise is in need of active treatment.

Admission
of patients,
general
hospitals

(2) Except as is otherwise provided in this Act, no hospital for convalescent persons receiving provincial aid that in the regulations is classed as a Group E hospital shall be required to admit as a patient a chronically ill person or a person who is in need of active treatment, and no hospital for convalescent persons receiving such aid shall refuse to admit as a patient any convalescent person referred to it from an active treatment hospital or by a legally qualified medical practitioner in accordance with the regulations.

Idem,
hospitals
for con-
valescent
persons

(3) Except as is otherwise provided in this Act, no hospital for chronically ill persons receiving provincial aid that in the regulations is classed as a Group F or Group G hospital shall be required to admit as a patient a convalescent person or a person who is in need of active treatment, and no hospital for chronically ill persons receiving such aid shall refuse to admit as a patient any chronically ill person so certified and referred to it from an active treatment hospital in accordance with the regulations. R.S.O. 1960, c. 322, s. 14; 1967, c. 80, s. 1, (1-3).

Idem,
hospitals
for
chronically
ill persons

(4) Except as is otherwise provided in this Act, no hospital receiving provincial aid that in the regulations is classed as a Group H hospital shall be required to admit as a patient any person other than a person requiring active psychiatric treatment.

Idem,
hospitals
for active
psychiatric
treatment

(5) Except as is otherwise provided in this Act, no hospital receiving provincial aid that in the regulations is classed as a Group I hospital shall be required to admit as a patient any person other than a person suffering from alcoholism or drug addiction. 1967, c. 80, s. 1 (4), *amended*.

Idem,
hospitals
for
alcoholism
and drug
addiction

18. Nothing in this Act requires any hospital to admit as a patient,

Refusal of
admission

- (a) any person who is not a resident or a dependant of a resident of Ontario, unless by refusal of admission life would thereby be endangered; or
- (b) any person who merely requires custodial care. R.S.O. 1960, c. 322, s. 15.

Custodial
care

19.—(1) Where a patient in a hospital is an indigent person or a dependant of an indigent person and is declared by the attending physician not to require continued medical and skilled nursing care in a hospital but only requires custodial care, the municipality in which such person was resident at the time of admission is liable to the hospital for payment of the *per diem* rate established for that hospital by the Commission from the twenty-first day after the day on which notice that the patient is declared to require only custodial care has been sent by the superintendent of the hospital by registered mail to the clerk of the municipality until the patient leaves the hospital.

Payment
of *per*
diem rate

(2) A municipality that is liable to a hospital for the payment of the *per diem* rate under subsection 1 shall make the payment to the hospital at least quarterly.

Idem

(3) Where the person referred to in subsection 1 was a resident of unorganized territory, the Province of Ontario shall pay the *per diem* rate in accordance with subsection 1. R.S.O. 1960, c. 322, s. 16 (1-3).

Interpre-
tation

(4) For the purposes of this section, “indigent person” means a person who is receiving assistance from a municipality or is declared eligible by the Department of Social and Family Services to receive such assistance, or who has no place of abode to which he may go from the hospital. R.S.O. 1960, c. 322, s. 16 (4); 1968, c. 107, s. 1, *amended*.

Facilities
for students

20. Subject to any existing agreement relating thereto, every hospital receiving provincial aid shall provide such facilities as the regulations require for dental students, student dietitians, medical students and interns, students of nursing, student laboratory technicians, student physiotherapists, student occupational therapists, student X-ray technicians and student social workers. 1968, c. 107, s. 2.

Interns
R.S.O. 1970,
c. 268

21. No person shall be employed as an intern in a hospital unless he is registered under *The Medical Act*. 1965, c. 107, s. 2.

Municipal
liability
for
indigents

22.—(1) Where a patient in a hospital is an indigent person or a dependant of an indigent person, the municipality in which he was resident at the time of admission is liable to the hospital for payment of the charges for his treatment at the following rates:

- (a) in the case of a hospital that in the regulations is classed as a Group A, Group H or Group I hospital, at the rate of \$9 per day;
- (b) in the case of a hospital that in the regulations is classed as a Group B hospital, at the rate of \$7.85 per day;
- (c) in the case of a hospital that in the regulations is classed

as a Group C or Group D hospital, at the rate of \$6.75 per day; and

- (d) in the case of all other hospitals, at the rate of \$5.60 per day. R.S.O. 1960, c. 322, s. 18 (1); 1967, c. 80, s. 2.

(2) A municipality that is liable to a hospital for the payment Payments of charges for treatment under subsection 1 shall make the payment to the hospital at least quarterly. R.S.O. 1960, c. 322, s. 18 (2).

23. A municipality may pay to a hospital the charges for Liability for non-residents may be assumed treatment of a patient notwithstanding that the patient was not resident in the municipality at the time of admission to the hospital. R.S.O. 1960, c. 322, s. 19.

24.—(1) In the event of the death in a hospital of a patient Burial expenses, by municipality who is an indigent person or the dependant of an indigent person, the municipality in which he was resident at the time of admission shall pay to the hospital any expenses of his burial that it incurs, not less than,

- (a) \$125 for the burial;
- (b) the actual cost of opening and closing the grave; and
- (c) a fee of \$10 for a religious service performed in connection with the burial.

(2) Where the deceased person referred to in subsection 1 was by Commission not resident in a municipality, the Commission may pay his burial expenses in accordance with subsection 1. R.S.O. 1960, c. 322, s. 20.

25.—(1) Not later than sixty days after the admission to a Notice to municipality of admission of indigent to hospital hospital of a patient who is or is represented to be an indigent person or the dependant of an indigent person, the superintendent shall, by registered mail, notify the clerk of the municipality in which such indigent person is or is represented to be a resident of such admission, giving such particulars as are ascertainable to enable the clerk to identify the indigent person. 1965, c. 107, s. 3, *part*; 1968, c. 107, s. 3 (1).

(2) Where a patient becomes an indigent person or is the Indigency after admission dependant of a person who becomes an indigent person after admission to a hospital, the superintendent shall notify the clerk of the municipality in accordance with subsection 1 not later than thirty days after the indigency becomes known to the superintendent. 1965, c. 107, s. 3, *part*; 1968, c. 107, s. 3 (2).

(3) Where the superintendent notifies the clerk of a county in Notice to clerk of local municipality accordance with subsection 1 or 2, he shall, at the same time and in the same manner notify the clerk of the local municipality in which such indigent person is or is represented to be resident. R.S.O. 1960, c. 322, s. 21 (3).

Time for
giving
notice

(4) Notice under subsection 1, 2 or 3 shall not be given later than ninety days after the date of the discharge of the patient from the hospital or after his death, as the case may be. 1968, c. 107, s. 3 (3).

Notice
disputing
liability

26.—(1) Unless the clerk of a municipality within twenty days after the date of mailing such notice to him, by registered mail, notifies the superintendent from whom the notice was received that the patient referred to therein was not resident in the municipality at the time of admission as a patient or is not an indigent person or a dependant of an indigent person, the municipality is liable for the charges for treatment of the patient as provided in this Act.

Information
to be
furnished

(2) The clerk of a municipality, when notifying a superintendent that a patient is not resident in the municipality or is not an indigent person or a dependant of an indigent person, shall furnish such information as he has ascertained with respect to the patient and his reason for refusing to acknowledge the patient as resident in the municipality or as an indigent person or a dependant of an indigent person. R.S.O. 1960, c. 322, s. 22.

Cases where
residence
not pre-
sumed:
persons
seeking
medical aid

27. For the purpose of this Act, no patient shall be deemed to be resident in a municipality,

(a) by reason of having gone to the municipality for the purpose of seeking medical advice or treatment or seeking admission or treatment in a hospital in the municipality, but in such cases the patient shall for the purpose of this Act be deemed to be resident in that municipality in which he was resident at the time of going to the first-named municipality for the purpose of seeking such advice, treatment or admission; or

health
seekers
in the
districts

(b) if the municipality is in a territorial district and the patient being infected or likely or suspected of being infected with tuberculosis has gone to the municipality principally for the purpose of health and within one year after going to the municipality is admitted as a patient in a hospital, but in such cases the patient shall for the purpose of this Act be deemed to be resident in that municipality in which he was resident at the time of going to a municipality in a territorial district; or

pupils

(c) if the patient has been living in the municipality by reason of being a pupil in a school, college, university or other seminary of learning situate in the municipality, or in a school of nursing or training centre approved under *The Nurses Act* or a predecessor thereof, and situate in the municipality; or

R.S.O. 1970,
c. 301

- (d) by reason of having been a patient or an inmate of a hospital, a private hospital licensed under *The Private Hospitals Act* or a predecessor thereof or *The Private Sanataria Act*, an institution licensed by a municipality as a nursing home, a sanatorium, home for the aged, orphanage, children's shelter or child welfare institution, correctional or other public institution in the municipality and otherwise was not resident therein, but in such cases the patient shall for the purpose of this Act be deemed to be resident in that municipality in which he was resident at the time he became such an inmate or patient; or inmates of institutions
R.S.O. 1970,
cc. 361, 363
- (e) if the patient has been living in the municipality by reason of being engaged on active service as a member of the Canadian armed forces, but in such cases the patient shall for the purpose of this Act be deemed to be resident in that municipality in which he was resident at the time of enlistment for service; or members
of Canadian
armed forces
- (f) by reason of having gone to the municipality during the period between the filing of application for admission and admission to a hospital, but in such case the patient shall for the purpose of this Act be deemed to be resident in that municipality in which he was resident at the time of going to the first-named municipality for the purpose of awaiting admission; or period
between
application
and
admission
- (g) if the patient has been discharged from a hospital and has been provided with accommodation in a municipality by and at the expense of some other municipality, but in such case the patient shall, for the purpose of this Act, be deemed to be resident in the municipality in which he was resident at the time he was provided with the accommodation in the first-named municipality. accommoda-
tion after
discharge
R.S.O. 1960, c. 322, s. 23; 1968, c. 107, s. 4, *amended*.

28.—(1) The clerk of a county may require the clerk of any township, town, village or improvement district forming part of the county to furnish such particulars as are ascertainable in respect of the residence or indigence of any person whose case has been brought to the attention of the clerk of the county under section 25. Particulars
as to
residence
or indigence

(2) The clerk of a township, town, village or improvement district, within ten days of receiving a notice sent to him pursuant to subsection 1, shall send the particulars requested to the clerk of the county by registered mail. Particulars
to be sent
to county
clerk

(3) Upon the failure of the clerk of a township, town, village or improvement district to comply with subsection 2, the township, town, village or improvement district is liable to the county Liability
of local
municipality

for the charges for treatment of a patient in respect of whom the information is requested as provided for in this Act. R.S.O. 1960, c. 322, s. 24.

Residence
of
dependant

29.—(1) A dependant of an indigent person for the purpose of this Act shall be deemed to be resident in that municipality in which the indigent person is resident, but, where the indigent person is not resident in any municipality, the dependant shall be deemed to be resident in that municipality in which the dependant is resident. R.S.O. 1960, c. 322, s. 25 (1).

Dependant
of
member
of forces

(2) A dependant of a person who is engaged on active service as a member of the Canadian armed forces shall be deemed to be resident in that municipality in which the dependant is resident. R.S.O. 1960, c. 322, s. 25 (2), *amended*.

Chronically
ill persons
in hospitals

30. Where a patient in a hospital, other than a hospital for chronically ill persons, for the charges for whose treatment a municipality is liable under this Act is certified in accordance with the regulations to be a chronically ill person, the hospital may require of the municipality liable that the patient be removed from the hospital within seven days after notice has been given by registered mail to the clerk thereof, and failing which removal the hospital is entitled to charge the municipality liable \$1.10 per day in addition to any other charges provided to be paid under this Act while the patient remains in the hospital. R.S.O. 1960, c. 322, s. 26.

Babies
born in
hospital

31.—(1) Where a baby is born in a hospital, it shall for the purpose of this Act be deemed to be a patient and, if it is the baby of an indigent person, shall be deemed to be resident in that municipality in which the indigent person is resident, and the municipality is liable for the treatment of the baby as the dependant of an indigent person at a rate of \$1 per day for a period not exceeding fourteen days after its birth.

Liability
for
treatment
after
14 days

(2) Where a baby referred to in subsection 1 is kept in hospital for a period longer than fourteen days, the municipality is liable for the treatment of the baby after the fourteenth day as the dependant of an indigent person at the rates prescribed in section 22. R.S.O. 1960, c. 322, s. 27.

Statements
of account
to be
rendered

32. Where under this Act the charges for treatment of any patient or for burial expenses of a deceased patient are payable by a municipality, the hospital to which the patient was admitted shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof, and if the amount of any such account is not paid within a reasonable time after it has been rendered it may be recovered as a debt in any court of competent jurisdiction. R.S.O. 1960, c. 322, s. 28.

33.—(1) Upon the payment by a municipality of any account rendered to it by a hospital for treatment of a patient or on payment by it of any expenses of burial of a deceased patient, the municipality may recover from the patient, or, in the event of his decease, from his estate or personal representatives, or, in the case of a dependant, from any person liable in law with respect to the dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction.

Municipal
right of
recourse
against
patient

(2) The right of a municipality under this section to recover any payment made by it to a hospital for the treatment of a patient shall commence the day after the patient is discharged from the hospital and shall not include the right while the patient is in hospital to take all or part of the pension received by the patient under the *Old Age Security Act* (Canada) or received under that Act by the person whose dependant the patient is.

Idem

R.S.C. 1952,
c. 200

(3) The taking by a municipality of a conveyance of or a security on land under a municipal by-law authorized by paragraph 38 of section 352 of *The Municipal Act* to recover any payment made by the municipality for the treatment of a patient is deemed to be recovery for the purposes of this section although the realization on the conveyance or security may occur more than one year after the discharge of the patient from the hospital.

Idem

R.S.O. 1970,
c. 284

(4) The right of a municipality under this section to recover any payment made by it to a hospital for the treatment of a patient ceases one year after the discharge of the patient from the hospital. R.S.O. 1960, c. 322, s. 29.

Limitation

34. Upon payment by a municipality to a hospital of any account for treatment of a patient or upon payment of any expenses of burial of a deceased patient by reason of the patient having been assumed to be a resident in the municipality and it being ascertained that the patient was not resident therein but at the time of admission to the hospital was resident in another municipality in Ontario, the municipality that made the payment may recover the amount thereof as a debt from the municipality in which the patient was resident, and upon payment by that municipality it is entitled to exercise the rights of recovery conferred under section 33. R.S.O. 1960, c. 322, s. 30.

Municipal
right of
recourse
against
proper
municipality

35. Any person who is an Indian within the meaning of the *Indian Act* (Canada) shall be deemed for the purpose of this Act not to have established residence in unorganized territory. R.S.O. 1960, c. 322, s. 31.

Indians
1952-53,
c. 41 (Can.)

36. Every person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500. R.S.O. 1960, c. 322, s. 32.

Offence

Limitation
of action

37. Any action against a hospital or any nurse or person employed therein for damages for injury caused by negligence in the admission, care, treatment or discharge of a patient shall be brought within six months after the patient is discharged from or ceases to receive treatment at the hospital and not afterwards. R.S.O. 1960, c. 322, s. 33.

Interpre-
tation

38.—(1) In this section, “municipality” means county, city, town, village, township or improvement district.

Hospital
officer,
appointment

(2) The council of a municipality either alone or in conjunction with the council or councils of another municipality or other municipalities may by by-law appoint a legally qualified medical practitioner to be the hospital officer for the municipality, and the by-law may provide for the term and conditions of his appointment and the payment of remuneration.

authority

(3) A hospital officer so appointed may visit any hospital and secure from the superintendent information relating to any indigent patient in the hospital who is resident in any municipality for which the hospital officer is appointed.

powers re
indigent
patients

(4) A hospital officer may exercise the powers conferred in subsection 3 in respect of indigent patients from municipalities other than the municipality for which he is appointed, but only at the request of the hospital officer for the municipality in which such patient is resident.

report re
indigent
patients

(5) If any hospital officer is of the opinion that it is unnecessary for any indigent patient to remain in the hospital, he shall make a report of his findings and recommendations to the superintendent of the hospital and to the Commission.

Enactment
of by-law

(6) No municipality shall enact a by-law under this section until thirty days after notice of intention thereof has been given to the Commission. R.S.O. 1960, c. 322, s. 34.

Regulations
for hospitals

39.—(1) Upon the recommendation of the Commission to the Minister, the Lieutenant Governor in Council may make such regulations with respect to hospitals as are considered necessary for,

- (a) their creation, establishment, construction, alteration, equipment, safety, maintenance and repairs;
- (b) their classifications, grades and standards;
- (c) their inspection, control, government, management, conduct, operation and use;
- (d) prescribing the matters upon which by-laws are to be passed by hospitals;
- (e) prescribing the powers and duties of inspectors;

- (f) providing that certain persons shall be by virtue of their office members of the board in addition to the members of the board appointed or elected in accordance with the authority whereby the hospital is established;
- (g) their administrators, staffs, officers, servants and employees and the powers and duties thereof;
- (h) providing for the certification of chronically ill persons and the method of referring such persons to hospitals for chronically ill persons;
- (i) providing for the method of referring convalescent persons to hospitals for convalescent persons;
- (j) the admission, treatment, care, conduct, discipline and discharge of patients or any class of patients;
- (k) the classification of patients and the lengths of stay of and the rates and charges for patients;
- (l) requiring a written agreement between each Group A hospital and the university with which the hospital is affiliated for the purpose of providing instruction in the hospital to medical and dental students of the university, and prescribing provisions that shall be included in any such agreement;
- (m) prescribing the facilities that hospitals shall provide for dental students, student dietitians, medical students and interns, students of nursing, student laboratory technicians, student physiotherapists, student occupational therapists, student X-ray technicians and student social workers;
- (n) the records, books, accounting systems, audits, reports and returns to be made and kept by hospitals;
- (o) the reports and returns to be submitted to the Commission by hospitals;
- (p) prescribing the rates for out-patient services, including emergency cases;
- (q) prescribing the classes of grants by way of provincial aid and the methods of determining the amounts of grants and providing for the manner and times of payment and the suspension and withholding of grants and for the making of deductions from grants;
- (r) providing for loans to hospitals under section 6;
- (s) defining words and terms used in this Act for the purposes of this Act and the regulations;
- (t) all matters affecting hospitals. R.S.O. 1960, c. 322, s. 35 (1); 1964, c. 94, s. 2; 1965, c. 107, s. 4; 1966, c. 126, s. 3; 1968, c. 107, s. 5.

Idem

(2) On the recommendation of the Commission, the Minister may from time to time declare all or any of the regulations to be in force with respect to all hospitals or any one or more hospitals or classes thereof and for such period or periods of time as the Minister considers expedient. R.S.O. 1960, c. 322, s. 35 (2).

Notice to
College of
disciplinary
action
against
physician

40. Where the privileges of any member of the medical staff are restricted or cancelled for any reason by specific resolution of the board of governors or where any disciplinary action is taken by a board or a medical advisory committee against a member of the medical staff because of incompetence, negligence or any form of professional misconduct, the administrator shall forward a report of the action and the reason for it to the College of Physicians and Surgeons of Ontario. 1965, c. 107, s. 5.

Advice as
to quality of
professional
work in
hospitals
without
departments

41.—(1) Where the medical staff of a hospital is not divided into medical departments, the chief of the medical staff or, where there is no chief, the president of the medical staff may be made responsible by by-law of the hospital to advise the medical advisory committee with respect to the quality of medical diagnosis, care and treatment provided to the patients and out-patients of the hospital.

Idem,
in hospitals
with
departments

(2) Where the medical staff of a hospital is divided into medical departments, the head of each department may be made responsible by by-law of the hospital, through and with the chief of the medical staff or, where there is no chief, through and with the president of the medical staff, to advise the medical advisory committee with respect to the quality of medical diagnosis, care and treatment provided to the patients and out-patients of his department.

Duty where
serious
problem
exists

(3) Where an officer of the medical staff who is responsible under subsection 1 or 2 becomes aware that, in his opinion, a serious problem exists in the diagnosis, care or treatment of a patient or out-patient, he shall forthwith discuss the condition, diagnosis, care and treatment of the patient or out-patient with the attending physician, and, if changes in diagnosis, care or treatment satisfactory to him are not made promptly, he shall assume forthwith the duty of investigating, diagnosing, prescribing for and treating the patient or out-patient, as the case may be, and shall notify the attending physician, the administrator and, if possible, the patient or out-patient that the member of the medical staff who was in attendance will cease forthwith to have any hospital privileges as the attending physician for the patient or out-patient.

Where no
discussion
with
attending
physician

(4) Where the officer of the medical staff who is responsible under this section is unable to discuss the problem with the attending physician as required by subsection 3, he shall proceed with his duties as prescribed in this section as if he had had the discussion with the attending physician.

(5) The officer of the medical staff who is responsible under this section shall inform two members of the medical advisory committee within twenty-four hours of his action under subsection 3 or 4 and shall file a written report with the secretary of the medical advisory committee within forty-eight hours of his action under subsection 3 or 4.

Duty of
responsible
officer
to report
action

(6) The officer of the medical staff who is responsible under this section may delegate any or all of his responsibilities and duties under this section to a member of his medical staff or of his medical department, as the case may be, but he remains accountable to the medical advisory committee for the management of the patient by that member of the medical staff to whom any such responsibility or duty is delegated.

Delegation
of responsi-
bilities and
duties

(7) Where the medical advisory committee concurs in the opinion of the officer of the medical staff who has taken action under subsection 3 or 4 that the action was necessary, the secretary of the medical advisory committee shall forthwith make a detailed written report to the administrator of the problem and the action taken. 1966, c. 126, s. 4.

Report to
adminis-
trator

CHAPTER 379

The Public Inquiries Act

1. Whenever the Lieutenant Governor in Council considers it expedient to cause inquiry to be made concerning any matter connected with or affecting the good government of Ontario or the conduct of any part of the public business thereof or of the administration of justice therein and such inquiry is not regulated by any special law, he may, by commission, appoint one or more persons to conduct such inquiry and may confer the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as the commissioner or commissioners consider requisite for the full investigation of the matters into which he or they are appointed to examine. R.S.O. 1960, c. 323, s. 1.

Appoint-
ment of
commission

2. A commissioner has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. R.S.O. 1960, c. 323, s. 2.

Compelling
attendance
of witnesses

3.—(1) A commission may be issued directing an inquiry into matters connected with elections to the Assembly and any alleged attempt to corrupt a candidate at any such election or a member of the Assembly after his election.

Inquiry as
to election

(2) Such inquiry may be directed notwithstanding that the person charged may be liable to criminal prosecution or that criminal proceedings have been commenced or concluded.

Not affected
by liability
to prosecu-
tion

(3) A commission shall not issue under this section nor shall an inquiry proceed under a commission already issued where a petition has been presented under *The Controverted Elections Act* with respect to the election until the proceedings thereon have terminated, nor shall such a commission issue during a session of the Legislature without the assent of the Assembly.

Not to
proceed
when
petition
pending
or during
session
R.S.O. 1970,
c. 84

(4) The Assembly, upon the evidence taken under the commission being submitted, may take, under *The Legislative Assembly Act* or under any other authority belonging to the Assembly, such action as is considered proper as fully as if such evidence had been given at the bar of the Assembly.

Power to
take action
on evidence
R.S.O. 1970,
c. 240

(5) No such action shall be taken against any person so charged founded upon evidence given by any witness unless it appears that he had an opportunity of appearing before the commissioner and cross-examining the witness either at the time

Circum-
stances
under
which no
action to be
taken

that he was examined in chief or subsequently and that he had also an opportunity of calling witnesses on his own behalf. R.S.O. 1960, c. 323, s. 3.

Revoking or
changing
commission

4. The Lieutenant Governor in Council may revoke, modify or enlarge the scope of any commission. R.S.O. 1960, c. 323, s. 4.

Stated case

5.—(1) Where the validity of the commission or the jurisdiction of a commissioner or the validity of any decision, order, direction or other act of a commissioner is called into question by any person affected, the commissioner, upon the request of such person, shall state a case in writing to the Court of Appeal setting forth the material facts and the decision of the court thereon is final and binding.

Order
directing
stated
case

(2) If the commissioner refuses to state a case, any person affected may apply to the Court of Appeal for an order directing the commissioner to state a case.

Proceed-
ings stayed
until case
determined

(3) Pending the decision of the stated case, no further proceedings shall be taken by the commissioner.

Action
injunction,
etc., not to
lie against
commis-
sioner

(4) No action shall be brought or other proceeding taken with respect to anything done or sought to be done by the commissioner or to restrain or interfere with or otherwise direct or affect the conduct of any such commissioner. R.S.O. 1960, c. 323, s. 5.

CHAPTER 380

The Public Lands Act**1.** In this Act,Interpre-
tation

- (a) "Department" means the Department of Lands and Forests;
- (b) "mines and minerals" includes gold, silver, copper, lead, iron and other mines and minerals, and quarries, and beds of stone, marble or gypsum;
- (c) "Minister" means the Minister of Lands and Forests;
- (d) "public lands" includes lands heretofore designated as Crown lands, school lands and clergy lands;
- (e) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 324, s. 1.

PART I

DEPARTMENT OF LANDS AND FORESTS

2. The Department of Lands and Forests shall be presided over by the Minister and he shall have charge of the management, sale and disposition of the public lands and forests. R.S.O. 1960, c. 324, s. 2.

Function
of Minister

3. Where 25 per cent or more of the frontage of lands fronting on a body of water are public lands, lands comprising at least 25 per cent of the frontage and to such depth as the Minister considers appropriate shall be set apart for recreational and access purposes and, where less than 25 per cent of the frontage of lands fronting on a body of water are public lands, all public lands fronting thereon and to such depth as the Minister considers appropriate shall be set apart for such purposes 1961-62, c. 117, s. 1.

Public
reserves**4.** There shall be,Deputy
Ministers

- (a) a Deputy Minister of Lands and Forests who shall be appointed by the Lieutenant Governor in Council, who shall have charge of the administration of the Department and such other duties as are assigned to him by the Lieutenant Governor in Council or the Minister; and
- (b) a Deputy Minister of Forestry who shall be appointed by the Lieutenant Governor in Council, who shall have

charge of matters respecting reforestation, forest protection, forest research and investigation and such other duties as are assigned to him by the Lieutenant Governor in Council or the Minister. R.S.O. 1960, c. 324, s. 3.

Surveyor
General

5. There shall be an officer of the Department known as the Surveyor General who shall be appointed by the Lieutenant Governor in Council, who shall perform such duties in connection with the surveying of lands, investigation of water powers, engineering, inspection, research and such other matters as are assigned to him by the Lieutenant Governor in Council or by the Minister. R.S.O. 1960, c. 324, s. 4.

Advisory
Committee

6.—(1) There shall be a committee to be known as the Advisory Committee consisting of a chairman and such member or members as the Minister considers appropriate.

Appoint-
ment

(2) Subject to the approval of the Lieutenant Governor in Council, the chairman and members of the Committee shall be appointed by the Minister for such term as the Minister considers proper.

Sub-
committees

(3) The Committee may, with the approval of the Minister, appoint such subcommittees composed of such members of the Committee and such other persons as it considers appropriate.

Remunera-
tion, etc.

(4) The members of the Committee and any subcommittee shall be paid such remuneration and expenses as may be determined by the Lieutenant Governor in Council.

Meetings

(5) The Committee shall meet monthly or otherwise as the Minister may determine.

Duty

(6) It is the duty of the Committee to advise the Minister upon policy on such matters as the Minister may direct, regard being had to the conservation, development and utilization of the renewable natural resources of Ontario. R.S.O. 1960, c. 324, s. 5.

Power
to make
regulations

7. The Lieutenant Governor in Council may make such regulations as he considers necessary to carry out the provisions of this Act, or to meet cases for which no provision is made by this Act. R.S.O. 1960, c. 324, s. 6.

Appointment
of officers
and agents

8. The Lieutenant Governor in Council may appoint such officers and agents to carry out this Act and the regulations as he considers necessary. R.S.O. 1960, c. 324, s. 7.

Exercise
of powers

9. The powers conferred on the Minister by this Act shall be exercised subject to the regulations and they may also be exercised by the Lieutenant Governor in Council. R.S.O. 1960, c. 324, s. 8.

10. The Minister shall after the close of each fiscal year submit an annual report upon the affairs of the Department to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1961-62, c. 117, s. 2. Annual report

11.—(1) The Minister may cause any public lands to be surveyed or subdivided and he may annul in whole or in part any survey or subdivision made under this section or a predecessor of this section. Surveys and annulments

(2) Where a plan of survey or subdivision made under subsection 1 or a predecessor of subsection 1 has been or is lodged with the proper master of titles or registrar of deeds and the Minister annuls in whole or in part the survey or subdivision, the Minister shall cause an amended plan to be lodged with such master of titles or registrar of deeds. Amended plans

(3) Where letters patent have been issued for any land that is affected by an annulment under subsection 1, the Minister shall cause such patent to be cancelled and a patent containing a revised description of the land to be issued in its stead, and the patent so issued shall relate back to the date of the one so cancelled and has the same effect as if issued on the date of such cancelled patent. R.S.O. 1960, c. 324, s. 10. Substitution of letters patent

12.—(1) Where in any instrument, including a Crown grant, there is a description of a township lot or any part of a township lot and by reason of an error in the original survey of the boundaries of any lake, river or stream the whole or part of which is situate in or flows through the township or by reason of no survey of such boundaries having been made in the original survey of the township the boundaries of such lot or part do not approximate the boundaries of such lot or part as established by a resurvey of the township or any part thereof, the Minister may cause an altering and amending plan to be prepared by an Ontario land surveyor. Altering and amending plan

(2) Every altering and amending plan shall conform as nearly as may be to a plan of subdivision under section 161 of *The Land Titles Act* or section 78 of *The Registry Act*, as the case may be, except that it shall be signed by the Surveyor General or his deputy on behalf of all persons having an interest in the land shown thereon. Manner of preparation R.S.O. 1970, cc. 234, 409

(3) When an altering and amending plan has been prepared, the Minister shall send a print of the plan by registered mail to each person appearing to have an interest therein, whereupon the provisions of section 48 of *The Surveys Act* with respect to notice, hearing and confirmation apply *mutatis mutandis*. Hearing, etc. R.S.O. 1970, c. 453

Boundaries
confirmed

(4) An altering and amending plan, when confirmed by the Minister pursuant to subsection 3, shall be registered in the proper registry or land titles office, whereupon the boundaries of the lots or blocks shown thereon shall be deemed to be the true boundaries of such lots or blocks.

Procedure
in land
titles office

(5) Where an altering and amending plan has been registered in the proper land titles office, the registers for the parcels affected shall be amended accordingly.

Procedure
in registry
office

(6) Where an altering and amending plan has been registered in the proper registry office, the registrar shall keep an index of the land described and designated by any number or letter on the plan by the name by which it is so designated and every instrument affecting the land or any part thereof, executed after the plan is registered, shall conform and refer thereto, otherwise it shall not be registered except in cases provided for by section 84 of *The Registry Act*.

R.S.O. 1970,
c. 409

Costs and
expenses

(7) The costs and expenses of and incidental to the preparation and registration of an altering and amending plan shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 324, s. 11.

Where
survey
required

13.—(1) Where an application to purchase public lands that are open for sale but are not surveyed is received, the Surveyor General may require the applicant to have a survey made and to bear the cost thereof, or he may fix the survey fee to be paid by the applicant, and upon payment of the survey fee the Surveyor General shall cause the lands to be surveyed.

Idem

(2) The requirements of subsection 1 are additional to the payment of the sale price of the lands. R.S.O. 1960, c. 324, s. 12.

GRANTS, SALES, LICENCES OF OCCUPATION, ETC.

Appropriation for certain public purposes and free grants thereof made

14.—(1) The Lieutenant Governor in Council may set apart and appropriate such of the public lands as he considers expedient for roads and for the sites of wharves or piers, market places, jails, court houses, public parks or gardens, town halls, hospitals, places of public worship, burying grounds, schools, and for purposes of agricultural exhibitions, and for other like public purposes, and for model or industrial farms; and may make free grants for such purposes, and the trusts and uses to which they are to be subject shall be expressed in the letters patent; but no grants shall be for more than ten acres in any one case, and for any one of such purposes, except for a model or industrial farm, in which case the grant shall not be for more than 100 acres.

Revocation

(2) The Lieutenant Governor in Council at any time before the issue of the letters patent may revoke any such appropriation. R.S.O. 1960, c. 324, s. 13.

15.—(1) The Lieutenant Governor in Council may set apart Public lands set apart for research areas of public lands for any purpose that will benefit research in, and the management, utilization and administration of, the public lands and forests.

(2) The whole or part of any area of public lands covered with Small boat anchorages water that is set apart for the purposes of a harbour under subsection 1 shall border on public lands not covered with water and such lands or such part thereof as is considered proper shall be set apart concurrently with the public lands covered with water. R.S.O. 1960, c. 324, s. 14.

16.—(1) For the purpose of the management of public lands, Zoning plans the Minister may from time to time establish classes of zones, such as “Open”, “Deferred”, “Closed” or otherwise as he considers proper, may define the purposes for which public lands or each class may be administered, may cause areas of public lands to be laid down on maps or plans and may designate such areas as zones, and any area of public lands so designated shall be administered only for the purposes defined for the designated class of zone. 1961-62, c. 117, s. 3.

(2) The Minister may designate areas in which the public lands Plan of subdivision may be required are not open for disposition as summer resort locations until a plan of subdivision of the lands to be disposed of is registered under *The Land Titles Act* or *The Registry Act*. R.S.O. 1960, R.S.O. 1970, cc. 234, 409 c. 324, s. 15 (2).

17.—(1) The Minister may designate any area in territory Restricted areas without municipal organization as a restricted area, and he may issue permits for the erection of buildings or structures or the making of improvements on lands in any such area on such terms and conditions in any case as he considers proper.

(2) Except under the authority of a permit issued under this Permits Act, no person shall erect any building or structure or make any improvement on any lands in any area in territory without municipal organization that is designated by the Minister as a restricted area.

(3) Every person who erects a building or structure or makes Offences any improvement on lands in an area designated by the Minister as a restricted area without a permit therefor and every person who contravenes any term or condition of a permit issued under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

(4) This section does not apply to the erection of buildings or structures or the making of improvements on lands for the Exception, mines, etc. purpose of the exploration or development of mines, minerals or mining rights. R.S.O. 1960, c. 324, s. 16.

Regulations
re sale or
lease of
public lands

18.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prohibiting or regulating and controlling the sale or lease of public lands for any specified purpose or use, other than agricultural purposes, and fixing the prices or rentals and the terms and conditions of sale or lease;
- (b) fixing the periods for which the Minister may extend the time for performance of a term or condition of a sale or lease under subsection 2 of section 26 and prescribing the fee therefor.

Terms and
conditions
of sale
or lease

(2) The Minister may fix such terms and conditions of sale or lease as he considers proper in addition to those required under subsection 1. 1961-62, c. 117, s. 4 (1).

Idem

(3) Any regulation made under subsection 1 may be made applicable to any part of Ontario and may for the purposes of subsection 1 define any term used therein.

Sale by
tender or
auction

(4) The Minister may, whether or not the consideration has been fixed by the regulations, dispose of public lands by tender or by auction upon such terms and conditions as he considers proper. R.S.O. 1960, c. 324, s. 17 (2, 3).

Subsequent
sale or
lease

(5) Where public lands offered for sale or lease by tender or auction are not disposed of, the Minister may at any time thereafter sell or lease any such lands at such price or rental and upon such terms and conditions as he considers proper. 1961-62, c. 117, s. 4 (2).

Reservation
of trees and
minerals

(6) In every sale or other disposition of public lands for summer resort locations there shall be reserved to the Crown all mines and minerals thereon or thereunder, and the instrument of sale or other disposition shall so provide. R.S.O. 1960, c. 324, s. 17 (4); 1970, c. 59, s. 1.

Sale, etc.,
of public
lands not
otherwise
provided for

19. Where the sale or lease of any public lands is not otherwise provided for in this or any other Act or the regulations, the Minister may direct the sale or lease of any such public lands at such price or rental and upon such terms and conditions as he considers proper, but no such sale or lease shall be made of parcels or more than ten acres, and in the case of a sale at less than \$10 an acre and in the case of a lease at less than \$5 an acre per annum, without the approval of the Lieutenant Governor in Council. R.S.O. 1960, c. 324, s. 18.

Quit claim
of public
lands to
person in
possession

20. Where a person has been in actual possession of public lands by himself or through his predecessors for more than sixty years, the Minister may cause a quit claim to be issued to such person in respect of such lands at such price and upon such terms and conditions as he considers proper. R.S.O. 1960, c. 324, s. 19.

21.—(1) Letters patent for land sold or leased under this Act may contain a condition that the land is to be used in a particular manner or a condition that the land is not to be used in a particular manner and every such condition shall be deemed to be annexed to the land. Land use conditions

(2) Where land has been or is being used in violation of a condition in the letters patent, the Minister may apply by way of originating notice of motion to the judge of the county or district court of the county or district in which the land is situate for an order forfeiting the land to the Crown and for possession of the land, and the judge, upon proof to his satisfaction that the land has been or is being used in violation of the condition, shall make an order declaring that, upon registration of the order under subsection 4, the land is forfeit to the Crown and requiring any person in possession of the land to deliver up possession of the land to the Minister or to any person authorized by the Minister to receive possession of it. Where condition violated

(3) An order made under subsection 2 has the same force as a writ of possession and the sheriff or bailiff or person to whom it is entrusted for execution shall execute it in like manner as he would a writ of possession in an action for the recovery of land. Idem

(4) A certified copy of an order made under subsection 2 shall be registered in the proper registry or land titles office and, upon registration, the land is vested in the Crown and may be granted, sold, leased or otherwise disposed of in the same manner as public lands may be dealt with under the laws of Ontario. R.S.O. 1960, c. 324, s. 20. Idem

22. Where land has been sold or leased under this Act and the letters patent therefor contain a condition that the land is to be used in a particular manner or a condition that the land is not to be used in a particular manner, the Minister may, upon such terms and conditions as he considers proper, make an order releasing the land or any part thereof from the condition or any part thereof contained in the letters patent. R.S.O. 1960, c. 324, s. 21. Release of land use conditions

23.—(1) The Minister may issue under his hand and seal a licence of occupation to any person who has purchased, or is permitted to occupy, or is entrusted with the care or protection of any public lands or who has received or been located on any public lands as a free grant. Licences of occupation

(2) Such person or his assigns may take possession of and occupy the land for which the licence is issued, subject to the conditions of the licence, and may under it, unless it has been revoked or cancelled, maintain actions against any wrongdoer or trespasser, as effectually as he could under letters patent from the Crown. Effect of licence of occupation

As evidence

(3) The licence of occupation is *prima facie* evidence of the right to possession by such person and his assigns of the land, but has no force against a licence to cut pine trees existing at the time of its issue or where the pine trees are reserved to the Crown against a licence to cut such trees then existing or thereafter issued. R.S.O. 1960, c. 324, s. 22.

Easements

24. The Minister may grant easements in or over public lands for any purpose. R.S.O. 1960, c. 324, s. 23.

Minister to decide as to right to patent

25. The Minister has authority to determine all questions that arise as to the rights of persons claiming to be entitled to letters patent of land located or sold under this Act and his decision is final and conclusive. R.S.O. 1960, c. 324, s. 24.

Cancellation of sale, etc., of land in case of fraud or error, etc.

26.—(1) If the Minister is satisfied that a purchaser, locatee or lessee of public lands, or any person claiming under or through him, has been guilty of fraud or imposition, or has violated any of the conditions of sale, location or lease, or of the licence of occupation, he may cancel such sale, location, lease or licence, and resume the land and dispose of it as if the same had never been made, and upon such cancellation all moneys paid in respect of such sale, location or lease remain the property of the Crown and the improvements, if any, on the land are forfeited to the Crown. R.S.O. 1960, c. 324, s. 25.

Extension of time

(2) The Minister may, upon payment of the prescribed fee, extend the time for the performance of any condition of a sale or lease for such period as is fixed by the regulations. 1961-62, c. 117, s. 5.

Interpretation

27.—(1) In this section, “lands” means public lands and includes public lands covered with water.

Mode of obtaining possession of public lands

(2) Where a person refuses or neglects to deliver up possession of any lands after the revocation, cancellation or expiration of the sale or lease thereof or of a licence of occupation or other document under which he was permitted to occupy or was entrusted with the care or protection of the lands, or where a person is in possession or occupation of lands without lawful authority and refuses or neglects to vacate or abandon possession or occupation of the same, the Minister may apply by way of originating notice of motion to a judge of the county or district court of the county or district in which any part of the lands is situate for an order for possession, and the judge, upon proof to his satisfaction that the right or title of the person to hold the lands has been revoked or cancelled or has expired, or that the person is in possession or occupation of the lands without lawful authority, shall make an order requiring him to deliver up the lands to the Minister.

(3) Where a person is in possession or occupation of lands without lawful authority and upon fifteen days notice by the Minister to vacate or abandon possession or occupation of the same, or to remove therefrom any building, structure or thing, refuses or neglects to do so, the Minister may by his warrant require such person to deliver up the lands to the person named in the warrant and he may by his warrant authorize any person to remove such first-mentioned person from the land or any building, structure or improvement therefrom. Idem

(4) Any building or thing remaining on lands after the revocation, cancellation or expiration of the sale or lease of the lands or of a licence of occupation or other document under which a person was permitted to occupy or was entrusted with the care or protection of the lands or any building or thing on lands possessed or occupied without lawful authority is the property of the Crown and may be sold, disposed of or destroyed under the direction of the Minister. 1961-62, c. 117, s. 6 (1). Building or thing remaining on lands

(5) The order or warrant has the same force as a writ of possession, and the sheriff or bailiff or person to whom it is entrusted for execution shall execute it in like manner as he would a writ of possession in an action for the recovery of land. Effect of order or warrant

(6) The sheriff, bailiff or other person executing the order or warrant may take with him all necessary assistance and has the right to demand such assistance in the same manner as a constable or other peace officer in the execution of his duty. R.S.O. 1960, c. 324, s. 26 (2, 3). Officer's right to demand assistance, etc.

(7) If a person who has given up possession of or has been removed from any land under the authority of this section again returns to or enters upon it, the order or warrant is a sufficient authority to the officer or person named in it again to remove such person from the land, and the power of removal may be exercised under such order or warrant from time to time and as often as occasion requires. Person removed may be again removed

(8) Every person who refuses to obey any such order or warrant, or who resists, obstructs or interferes with any person executing it, or who again returns to the land, is guilty of an offence and on summary conviction is liable to a fine of not less than \$20 and not more than \$100 and to imprisonment for a term of not more than six months. R.S.O. 1960, c. 324, s. 26 (5, 6). Offence

28.—(1) Any person who enters into possession of public lands without lawful authority and erects any building or structure or makes any improvements thereon is liable to a penalty of an amount equal to twice the market value of the public land so entered as determined by the Minister. Penalty for unlawfully taking possession of public lands and erecting buildings, etc.

(2) A penalty imposed under subsection 1 is recoverable at the suit of the Minister in any court of competent jurisdiction. Recovery of penalty

Idem

(3) If a person fails to pay a penalty imposed upon him under subsection 1 and the Minister brings an action for the recovery of the penalty, it is the duty of the court,

- (a) to determine whether such person is liable to a penalty under subsection 1;
- (b) if it is determined that the person is liable to a penalty, to confirm or vary the amount thereof claimed by the Minister;
- (c) to give such judgment as it considers proper; and
- (d) to make such order as to costs or otherwise as it considers proper.

Saving

(4) Nothing in this section limits or in any way affects any right or remedy of the Minister or the Crown at common law or under any statute. R.S.O. 1960, c. 324, s. 27.

Penalty for
unauthorized
filling in,
etc., of
public lands

29. Every person who without the written consent of the Minister or an officer authorized by the Minister throws or deposits or causes to be deposited any material, substance or thing upon public lands whether or not covered with water is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. 1960-61, c. 81, s. 2, *part*.

Un-
authorized
occupation,
etc., of
posted
public lands

30.—(1) The Department may cause to be erected on any public lands, including a road under the jurisdiction of the Minister, signs prohibiting,

- (a) the possession, occupation or use thereof; or
- (b) the parking of vehicles thereon.

Offence

(2) Every person who possesses, occupies or uses any public lands on which signs have been erected under clause *a* of subsection 1 or who parks a vehicle on public lands on which signs have been erected under clause *b* of subsection 1 and who has had a reasonable opportunity of seeing one or more of such signs is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. 1960-61, c. 81, s. 2, *part*.

Restraint on
alienation of
rights in
unpatented
lands

31.—(1) Except with the consent in writing of the Minister, public lands that have been purchased under this Part shall not, before the issue of letters patent, be alienated, mortgaged, or charged, either voluntarily or involuntarily, except by devise or sale under the authority of any Act of the Legislature relating to taxation or statute labour.

Lands not
to be liable
for debts
incurred
before
patent

(2) Except by mortgage or charge thereon made in favour of the Crown, neither the land nor any interest or right therein is, before the issue of letters patent, liable for the satisfaction of any debt or liability contracted or incurred by such purchaser, his widow, heirs or devisees. R.S.O. 1960, c. 324, s. 28.

32. Where rent payable to the Crown on a lease of public lands is in arrear, the Minister or an agent or officer appointed under this Act and authorized by the Minister to act in such cases may issue a warrant, directed to any person named in it, in the nature of a distress warrant, as in ordinary cases of landlord and tenant; and the same proceedings may be had thereon for the collection of such arrears as in the last-mentioned cases; or an action may be brought in the name of the Minister for the recovery of the arrears, but a demand of the rent is not necessary in any case. R.S.O. c. 324, s. 29.

Issue of
distress
warrant,
or action
for rent in
arrear

33. A grant or letters patent issued to or in the name of a person who is dead is not therefore void, but the title to the land thereby granted or intended to be granted vests in the heirs, assigns, devisees or other legal representatives of the deceased person according to the laws in force in Ontario as if the grant or letters patent had issued to or in the name of the deceased person during his lifetime. R.S.O. 1960, c. 324, s. 30.

Grants or
letters patent
issued after
death of
grantee or
patentee

34.—(1) Where letters patent have been issued to or in the name of the wrong person, through mistake, or contain any clerical error or misnomer or a wrong description of the land intended to be granted, the Minister, if there is no adverse claim, may direct the defective patent to be cancelled and a correct one to be issued in its stead, and the corrected letters patent relate back to the date of the one so cancelled and have the same effect as if issued at the date of such cancelled letters patent.

Cancellation
of erroneous
patents

(2) The powers conferred by subsection 1 may be exercised notwithstanding that the land has been registered under *The Land Titles Act*. R.S.O. 1960, c. 324, s. 31.

Land
registered
under
R.S.O. 1970,
c. 234

35. Where grants or letters patent for the same land inconsistent with each other have been issued through error, or where sales or appropriations of the land inconsistent with each other have been made, the Minister may, in cases of sale, cause a repayment of the purchase money, with interest to be made to the person damnified, or where the land has passed from the original purchaser, or has been improved before discovery of the error, or where the original grant of appropriation was a free grant, he may in substitution appropriate land or give a certificate entitling the person damnified to public lands, of such value and to such extent as the Minister considers just; but no claim shall be entertained unless it is made within five years from the discovery of the error. R.S.O. 1960, c. 324, s. 32.

Compensa-
tion in case
of double or
inconsistent
grants

36.—(1) Where by reason of erroneous survey or of error in the books or plans in the Department any grant, sale or appropriation of land is found to be deficient, or any parcel of land contains less than the quantity of land mentioned in the letters patent therefor, the Minister may direct that the purchase money

Compensa-
tion for
deficiency
of land

of so much land as is deficient, with interest thereon from the time of the application for a refund or if the land has passed from the original purchaser, the Minister may direct that the purchase money that the claimant, if he was ignorant of the deficiency at the time of his purchase, paid for so much of the land as is deficient, with interest thereon from the time of the application for a refund, be paid to him in land or money, as the Minister may direct.

Case of
free grants

(2) In the case of a free grant, the Minister may direct a grant to be made of other land equal in value to so much of the land intended to be granted as is deficient, as a free grant.

Limitations

(3) No claim shall be entertained unless it is made within five years from the date of the letters patent, or unless the deficiency is equal to one-tenth of the whole quantity described as being contained in the land granted. R.S.O. 1960, c. 324, s. 33.

Registra-
tion of
judgments

37. If letters patent for land are repealed or avoided in a judicial proceeding, the judgment shall be registered in the proper land titles or registry office. R.S.O. 1960, c. 324, s. 34.

Reduction in
the price of
lands sold

38.—(1) The Minister may reduce the price of any public lands sold by the Crown before the 23rd day of June, 1942, where it appears that the land was sold at a price beyond its fair value, and that the price or part of it remains unpaid, but the reduction shall not exceed the amount that remains unpaid.

Abatement
of interest

(2) The Minister may also make such abatement as he considers just of the arrears of interest upon the unpaid purchase money of any public lands sold by the Crown before the 23rd day of June, 1942.

Inspection
of lands

(3) Before any such reduction or abatement is made, the land shall be examined and valued by an inspector appointed for that purpose by the Minister.

Persons
entitled to a
reduction

(4) The reduction and abatement shall be confined to cases in which the purchaser from the Crown or some person claiming under him is in occupation of the land and is an actual settler on it or on land adjacent to it.

Reduction
in case of
school lands
not to affect
share of
Quebec

(5) In the case of school lands, such reductions and abatements shall be made only in respect of, and in proportion to, the share or interest of Ontario in the lands and the price thereof, and do not extend to or affect the share or interest of the Province of Quebec in the lands or the price thereof. R.S.O. 1960, c. 324, s. 35.

Annual lists
of lands
granted,
etc., to be
furnished
by Minister
to county
treasurers

39. The Minister shall in the month of February in every year transmit to the treasurer of every county and of every municipality in a provisional judicial district, a list of all land in the county or local municipality patented, located as free grants, sold or agreed to be sold by the Crown, or leased, or appropriated to any

person, or in respect of which a licence of occupation was issued during the next preceding calendar year, and the Minister shall in like manner inform every such treasurer of the cancellation of any licence of occupation, sale, lease, location, or appropriation. R.S.O. 1960, c. 324, s. 36.

40.—(1) In this section, “Crown grant” means a grant of a freehold or leasehold interest in unpatented public lands or of an easement in or over unpatented public lands made under this or any other Act. 1965, c. 108, s. 1, *part*. Interpretation

(2) Where a Crown grant is made of public lands situate in a part of the Province to which *The Land Titles Act* applies, the Minister shall cause to be forwarded to the proper master of titles the instrument by which the Crown grant is made, together with a copy thereof. 1965, c. 108, s. 1, *part*; 1968, c. 108, s. 1 (1). Crown grants registered in land titles office
R.S.O. 1970, c. 234

(3) Where a Crown grant is made of public lands, other than lands to which subsection 2 applies, the Minister shall cause to be forwarded to the registrar of the registry division in which the lands are situate the instrument by which the Crown grant is made, together with a copy thereof. 1965, c. 108, s. 1, *part*. Crown grants registered in registry office

(4) Notwithstanding subsections 2 and 3, where an order is made under subsection 5 of section 60 or a grant of mineral rights is made under *The Canada Company's Lands Act, 1922*, the Minister shall cause such order or the instrument by which the Crown grant is made, as the case may be, together with a copy thereof, to be forwarded to the master of titles or registrar of deeds in whose office the land affected is registered. Orders, grants of minerals registered in land titles and registry offices
1922, c. 24

(5) Notwithstanding subsections 2 and 3, where an instrument affecting any public lands has been registered in a land titles or registry office and a Crown grant of the public lands is made, the Minister shall cause the instrument by which the Crown grant is made to be forwarded for registration and he may determine whether it shall be forwarded to the master of titles or registrar of deeds. 1968, c. 108, s. 1 (2). Registration in land titles or registry office

(6) Upon receipt of an instrument and the copy thereof under subsection 2, 3, 4 or 5, the proper master of titles or registrar shall, without fee or other charge, register the instrument, note particulars of registration on the copy and forward the copy to the grantee at the address furnished by the Department. 1965, c. 108, s. 1, *part*; 1968, c. 108, s. 1 (3). Registration

41. No person holding an office in or under the Department and no person employed in or under the Department shall, directly or indirectly, purchase any right, title or interest in any public lands either in his own name or by the interposition of any How Department employees may acquire public lands

other person or in the name of any other person in trust for himself without the approval of the Lieutenant Governor in Council. R.S.O. 1960, c. 324, s. 38.

How notices
may be
given

42. Where by law or by any deed, lease or agreement relating to any public lands any notice is required to be given, or any act to be done, by or on behalf of the Crown, the notice may be given and the act may be done by the Minister or the Deputy Minister of Lands and Forests or by a person acting under the authority of either of them. R.S.O. 1960, c. 324, s. 39.

Before whom
affidavits
under this
Act may be
made
R.S.O. 1970,
c. 102

43.—(1) Affidavits required under this Act or under *The Crown Timber Act* or under any other Act relating to the affairs of the Department, and affidavits intended to be used in reference to any claim, business or transaction in the Department, or in respect of which the Department is interested, or which affects the revenue of Ontario under the control of the Department, may be taken before any person having authority to administer oaths, or before the clerk of any county or district court, or before the Minister or either Deputy Minister, or before any agent of the Department under whatever Act or authority such agent may have been appointed an agent or before any person appointed for that purpose by the Minister or either Deputy Minister, or before an Ontario land surveyor appointed by the Minister or either Deputy Minister to inquire into, take evidence in or report upon any matter pending in the Department.

Idem
R.S.O. 1970,
c. 151

(2) Such affidavits, if made out of Ontario, may be taken before any person having authority under *The Evidence Act* to administer oaths out of Ontario. R.S.O. 1960, c. 324, s. 40.

Certified
copy of
instrument to
be evidence

44. A copy of any instrument made or issued under the hand of the Minister or of either Deputy Minister or of any officer or agent of the Department under the authority of this Act or of *The Crown Timber Act* or under the authority of the regulations made under those Acts, purporting to be certified by the Minister, either Deputy Minister, officer or agent as a true copy of such instrument, is *prima facie* evidence of the instrument and of its contents in all courts and before all officers and persons having by law or by the consent of parties authority to hear, receive and examine evidence. R.S.O. 1960, c. 324, s. 41.

Sale, etc.,
of public
lands
covered
with water

45. The Minister may grant a lease or issue a licence of occupation in respect of any public lands covered with water at such rent or fee and upon such terms and conditions as he considers proper or as are prescribed by the regulations, or, with the approval of the Lieutenant Governor in Council, the Minister may sell any such lands at such price and upon such terms and conditions as he considers proper. R.S.O. 1960, c. 324, s. 42.

46. Where any land forfeited to and vested in the Crown under *The Provincial Land Tax Act* has not been granted, sold, leased or otherwise disposed of, the Minister may direct the issuance of letters patent granting the land to the owner thereof at the time of such forfeiture, or to any person appearing to have had an interest therein at that time, or to the heirs, successors or assigns of such owner or person, upon such terms as the Minister considers just. R.S.O. 1960, c. 324, s. 43.

Grant of
forfeited
land to
former
owner
R.S.O. 1970,
c. 370

47. The Minister and any municipality may enter into agreements respecting the control and management by the municipality of any public lands comprised of beaches or lands covered with water in the municipality or elsewhere, but, where the public lands are in another municipality, no agreement shall be entered into without the consent of that municipality, and any such agreement may provide for the granting of leases by the municipality and the sharing of the rents therefrom. 1960-61, c. 81, s. 2, *part*.

Beach
management
agreements

48.—(1) There shall be a committee to be known as the Public Agricultural Lands Committee consisting of a chairman and such member or members as the Minister considers appropriate.

Public
Agricultural
Lands
Committee

(2) Subject to the approval of the Lieutenant Governor in Council, the chairman and members of the Committee shall be appointed by the Minister.

Appointment

(3) It is the duty of the Committee,

Duty

- (a) to recommend to the Minister areas of lands that are suitable for sale or other disposition for agricultural purposes and measures for the development of such areas;
- (b) to consider applications to acquire lands for agricultural purposes in any such area and all matters relevant thereto and to make recommendations to the Minister with respect thereto.

(4) After having considered the recommendations of the Committee with respect thereto, the Minister may,

Sale, etc.,
of lands
for agri-
cultural
purposes

- (a) designate areas of lands that are suitable for sale or other disposition for agricultural purposes; and
- (b) enter into agreements for the sale or other disposition of such lands for agricultural purposes to such persons, at such prices or rentals and subject to such terms and conditions as he may determine.

(5) Every agreement, licence and letters patent for land sold or otherwise disposed of under this section shall contain a condition that the land is to be used for agricultural purposes. 1960-61, c. 81, s. 2, *part*.

Letters
patent
qualified

Acquisition
of lands
R.S.O. 1970,
c. 393

49.—(1) Lands may be acquired under *The Public Works Act* for any forestry, agricultural or other program of the Department, and any lands so acquired shall be deemed to be public lands within the meaning of this Act. 1960-61, c. 81, s. 2, *part*.

Agreements
for works,
etc.

(2) The Minister or the Minister of Public Works may enter into agreements with the owners of lands respecting the erection, maintenance and operation thereon of a public work within the meaning of *The Public Works Act*.

Registration
of agree-
ments

(3) An agreement entered into under subsection 2 may be registered in the proper registry or land titles office and thereupon such agreement is binding upon every subsequent owner and mortgagee of the lands during the term of the agreement. 1967, c. 81, s. 1.

PART II

ROADS ON PUBLIC LANDS

Interpre-
tation

50. In this Part,

- (a) “private forest road” means a road occupied under the authority of a document issued under this Act or the regulations;
- (b) “public forest road” means a road, other than a private forest road, that is designated by the Minister as a public forest road;
- (c) “road” means a road or part of a road on public lands and includes the bridges, shoulders, ditches and right-of-way thereof, but does not include the King’s Highway or a secondary highway, a tertiary road, a resource road or an industrial road designated under *The Highway Improvement Act*, or a road under the jurisdiction of a statute labour board or a local roads board. 1968, c. 108, s. 2, *part*.

R.S.O. 1970,
c. 201

Public right
of passage

51. Except as provided in this Part, any person may exercise a public right of passage on a road other than a private forest road. 1968, c. 108, s. 2, *part*.

No liability
for
damages

52.—(1) No civil action shall be brought against the Crown or any person in respect of misfeasance, non-feasance or negligence in connection with the construction, maintenance, repair or closing of a road.

Exception

(2) Subsection 1 does not apply to an action based on a contract between the parties to the action for the construction, maintenance or use of a road. 1968, c. 108, s. 2, *part*.

53.—(1) The Minister may designate a road other than a private forest road as a public forest road.

Public
forest
roads

(2) *The Regulations Act* does not apply to a designation made under subsection 1. 1968, c. 108, s. 2, *part.*

R.S.O. 1970,
c. 410, not
to apply

54.—(1) The district forester for the administrative district of the Department in which a public forest road is situate may, from time to time in his discretion and for such period or periods as he may determine, close the public forest road or part thereof to travel by the public generally or by any class or classes of the public or by the public generally with the exception of persons operating any class or classes of vehicles used for hauling forest products or other products designated by the regulations.

Closure
of public
forest
roads

(2) A closing of a public forest road under subsection 1 may be effected by the erection of signs or barricades.

Methods of
closure

(3) Where a district forester closes a public forest road or part of a public forest road under subsection 1 by the erection of barricades, he shall cause to be erected at each end of the public forest road or part so closed and at each intersection thereof with any other road a barricade upon which a red or flashing amber light visible for a distance of 500 feet shall be exposed and kept burning or operating continuously from sunset until sunrise, and at such ends and intersections shall cause to be erected a notice that the public forest road is closed.

Barricades

(4) Notwithstanding the closure of a public forest road, the district forester may grant a permit for travel on the public forest road subject to such terms and conditions as he considers advisable.

Permits

(5) Every person who, without lawful authority, travels on a public forest road that has been closed to travel by him under subsection 1 and who has had a reasonable opportunity of knowing that the road has been so closed or who removes or defaces any barricade, light or notice erected thereon by lawful authority is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 and is also liable to the Crown in right of Ontario for any damage or injury occasioned by such wrongful use, removal or defacement.

Offence

55. Where the district forester closes a public forest road to the public generally with the exception of persons operating vehicles used for hauling forest products or other products designated by the regulations, sections 53, 64, 65, 66, 67 and 70 of *The Highway Traffic Act* do not apply to the public forest road or to vehicles operated on the public forest road, as the case may be. 1968, c. 108, s. 2, *part.*

Partial
closure

R.S.O. 1970,
c. 202

Private
forest
roads

56.—(1) Except as provided in subsection 2, a private forest road is not open to travel by the public.

Agreements

(2) The Minister may enter into an agreement with a person who occupies a private forest road under the authority of a document issued under this Act or the regulations for opening the private forest road or part thereof to travel by the public generally or by any class or classes of the public as may be agreed upon, and thereupon the private forest road is open to travel by the public generally or by the class or classes of the public agreed upon for such time or times and upon such terms and conditions as are set forth in the agreement, provided that any vehicle used in such travel is registered under *The Highway Traffic Act*.

R.S.O. 1970,
c. 202

Idem

(3) Without limiting the generality of subsection 2, an agreement may provide that the cost of constructing, reconstructing or maintaining a private forest road shall be shared in the proportions agreed upon.

Status
of road

(4) Notwithstanding the use of a private forest road by the public or a class or classes thereof under subsection 2, a private forest road remains a private forest road and is not a highway within the meaning of *The Highway Traffic Act*, but the provisions of *The Loggers' Safety Act* and the regulations made thereunder respecting haul roads apply *mutatis mutandis* to the private forest road.

R.S.O. 1970,
c. 257

Closure of
private
forest
roads

(5) Where an agreement has been made under subsection 2, the district forester for the administrative district of the Department in which the private forest road is situate may, from time to time in his discretion and for such period or periods as he may determine, close the private forest road or part thereof to travel by the public generally or by any class or classes of the public with the exception of persons operating any class or classes of vehicle used for hauling forest products or other products designated by the regulations, and thereupon section 54 applies *mutatis mutandis*. 1968, c. 108, s. 2, *part*.

Regulations

57. The Lieutenant Governor in Council may make regulations designating products for the purposes of sections 54, 55 and 56. 1968, c. 108, s. 2, *part*.

PART III

PROVISIONS OF GENERAL APPLICATION

Issue of
patents

58. Where land was, before the 29th day of March, 1961, sold under Part I of *The Public Lands Act* being chapter 324 of the Revised Statutes of Ontario, 1960, or located under Part II of that Act, the Minister may direct the issue of letters patent to the purchaser or locatee or any person claiming under or through the purchaser or locatee,

- (a) who has built a house on the land that is fit for habitation;
- (b) who has resided on the land or other land of which he is the registered owner that is distant not more than five miles from the land so sold or located for one or more periods totalling at least three years;
- (c) who, in respect of land in the Territorial District of Cochrane or in the Territorial District of Timiskaming, has cleared and cultivated at least fifteen acres of the land or who, in respect of land, other than land in the Territorial District of Cochrane or in the Territorial District of Timiskaming, has cleared and cultivated at least 10 per cent of the land; and
- (d) who pays the balance of the purchase price of the land and the interest thereon. 1966, c. 127, s. 1, *amended*.

59.—(1) All trees on land that has been disposed of under this Act for agricultural purposes remain the property of the Crown until the issuance of letters patent, whereupon the property in such trees passes to the patentee. Reservation of trees

(2) During the time the trees on land that has been disposed of under this Act for agricultural purposes remain the property of the Crown, the purchaser or locatee of such land or anyone claiming under him may cut and use all such trees as are necessary for building on and fencing such land, and he may cut and dispose of all such trees required to be removed in clearing the land for cultivation, but no trees except those necessary for such building and fencing shall be cut beyond the limit of the actual clearing without the consent in writing of an officer authorized by the Minister for the purpose. Cutting rights of settlers before patent

(3) All trees cut under subsection 2 and sold or bartered are subject to the payment of the same charges as are at the time payable by the holders of licences to cut timber, unless the Minister otherwise directs in writing. Payment of Crown dues

(4) Where land is disposed of under this Act for agricultural purposes and a licence to cut timber on such land is subsisting at the time the disposition is made, the licence shall be deemed to be revoked in respect of such land, and in any such case the Minister may compensate the holder of such licence by granting him a licence to cut timber elsewhere. R.S.O. 1960, c. 324, s. 62. Revocation of timber licences on settlers' land

60.—(1) Where land is disposed of under this Act for agricultural purposes, the property in all trees thereon shall be deemed to have passed to the patentee by the letters patent, and every reservation of any class or kind of tree contained in the letters patent shall be deemed to be void. R.S.O. 1960, c. 324, s. 63 (1). Property in trees vested in patentee

Reservations
of trees
voided

(2) A reservation of all timber and trees or any class or kind of tree contained in letters patent granting public lands disposed of under this or any other Act for a summer resort location is void.

Idem

(3) A reservation of all timber and trees or any class or kind of tree contained in letters patent dated on or before the 1st day of April, 1869 and granting public lands disposed of under this or any other Act is void.

Exception
R.S.O. 1970,
c. 102

(4) Subsections 2 and 3 do not affect the rights of the holder of a licence under *The Crown Timber Act* subsisting on the 26th day of June, 1970. 1970, c. 59, s. 2, *amended*.

Release of
trees
reserved,
etc.

(5) Where public lands have been disposed of by the Crown under this or any other Act and some but not all of the species of trees thereon have been reserved to the Crown and are not under timber licence, the Minister may, if the lands comprise not more than 200 acres, or, if the lands comprise more than 200 acres, the Minister may, with the approval of the Lieutenant Governor in Council, acquire any species of trees not so reserved or release any species of trees so reserved at such price and upon such terms and conditions as he considers proper. R.S.O. 1960, c. 324, s. 63 (2).

Interpre-
tation

61. In sections 59 and 60, the expression "this Act" includes any predecessor of this Act. R.S.O. 1960, c. 324, s. 64.

Reservation
of mines
and
minerals

62. In any letters patent issued for lands located or sold under this Act for agricultural purposes on or after the 1st day of April, 1957, the mines and minerals shall be reserved to the Crown. R.S.O. 1960, c. 324, s. 65.

Mines and
minerals on
certain
lands to
be deemed
to have
passed to
patentee

63.—(1) In the case of land patented before the 6th day of May, 1913, the mines and minerals therein shall be deemed to have passed to the patentee by the letters patent, and every reservation thereof contained in the letters patent or by statute is void.

Exception
as to appli-
cation of
subsection 1
R.S.O. 1970,
c. 274

(2) Subsection 1 does not apply where,

- (a) the mines and minerals or any of them in any land have been alienated or disposed of under *The Mining Act* or any predecessor of that Act;
- (b) the mines or minerals or any of them have reverted or may hereafter revert to the Crown through abandonment, cancellation, forfeiture or otherwise.

Lands
patented
after May
6th, 1913

(3) In the case of lands patented after the 6th day of May, 1913, mines and minerals pass to the patentee unless expressly reserved by the letters patent.

Certificate

(4) The Minister of Mines and Northern Affairs or the Deputy Minister of Mines and Northern Affairs may issue a certificate as

to the issue of letters patent with respect to any lands, mines or minerals affected by this section and every such certificate shall be received and recorded in the proper registry or land titles office.

(5) An applicant for a certificate under subsection 4 shall pay a fee of \$5 for every such certificate. R.S.O. 1960, c. 324, s. 66. Fee for certificate

64.—(1) All lands patented or otherwise disposed of under this Act after the 12th day of April, 1917, are subject to the condition that all ores or minerals raised or removed therefrom shall be treated and refined in Canada, so as to yield refined metal or other product suitable for direct use in the arts without further treatment, in default whereof the patent or other form of title of such lands is void, and the lands revert to and become vested in the Crown, freed and discharged of any interest or claim of every other person. R.S.O. 1960, c. 324, s. 67 (1). Ores, etc., to be treated in Canada

(2) Where a dominant tenement reverts to and becomes vested in the Crown under subsection 1, any easement appurtenant thereto passes to the Crown and, where a servient tenement reverts to and becomes vested in the Crown, any easement to which the servient tenement is subject is not affected. 1966, c. 127, s. 2. Easements

(3) The Lieutenant Governor in Council is hereby authorized to exempt any lands from the operation of this section for such period of time as he considers proper. R.S.O. 1960, c. 324, s. 67 (2). Power to exempt lands

65. Any part of the public lands that is a beach and is used for travel by the public is not by reason only of such use a highway within the meaning of any Act. 1961-62, c. 117, s. 7. Travel on beaches

66.—(1) Unless the Minister otherwise directs, every patent, lease or licence of occupation issued under this Act shall contain a provision to the effect that the surface rights in any public or colonization road or any highway crossing the land granted, leased or licensed are excepted therefrom. Surface rights in roads, etc.

(2) Every patent, lease or licence of occupation issued under this Act shall reserve to the Crown such percentage, if any, of the surface rights of the land as the Minister considers necessary for road purposes. Idem

(3) Where in any patent, lease or licence of occupation heretofore issued under this Act or any predecessor thereof there is a reservation of a percentage of the land for road purposes and the rights with respect thereto have not been exercised before the 1st day of May, 1963, the reservation shall be deemed to be a reservation of the surface rights only. 1962-63, c. 114, s. 1. Idem

Right to
make roads
reserved in
sales, etc.

67.—(1) In all sales, free grant locations, leases, licences of occupation, mining claims and other dispositions of public lands or mining lands or mining rights, there shall be reserved to the Crown the right to construct on the land any colonization or other road or any road in lieu of or partly deviating from an allowance for road without making compensation therefor, and such right whether or not it is expressly reserved from the sale, location, lease, licence of occupation, mining claim or other disposition of the land or by the letters patent when issued shall be deemed to be so reserved. R.S.O. 1960, c. 324, s. 68 (1).

Right to
take wood,
gravel, etc.,
for roads

(2) In all sales, free grant locations, leases, licences of occupation, mining claims and other dispositions of public lands or mining lands or mining rights, where the letters patent have been issued containing a reservation of any of the area for roads, wood, gravel and other materials required for the construction or improvement of any colonization or other road or of any road in lieu of or partly deviating from an allowance for road, may be taken from the land without making compensation therefor or for the injury thereby done to the land from which they are taken, and where the letters patent have been issued without a reservation being made of any of the area for roads, wood, gravel and other materials required for the purposes hereinbefore mentioned may be taken from the land, but compensation shall be paid as provided by *The Expropriations Act*. R.S.O. 1960, c. 324, s. 68 (2), *amended*.

R.S.O. 1970,
c. 154

Minister
or person
authorized
by him may
exercise
rights

(3) The rights mentioned in subsections 1 and 2 may be exercised by the Minister or by any person authorized by him to exercise them on behalf of the Crown.

Right of
passage over
portages

(4) Where public lands over which a portage has existed or exists have been heretofore or are hereafter sold or otherwise disposed of under this or any other Act, any person travelling on waters connected by the portage has the right to pass over and along the portage with his effects without the permission of or payment to the owner of the lands, and any person who obstructs, hinders, delays or interferes with the exercise of such right of passage is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1960, c. 324, s. 68 (3, 4).

Release of
road
reservations

68.—(1) Where letters patent have issued for land that is in a municipality and the Minister is of opinion that the present and future needs of the locality as to roads are adequately provided for, he may, upon application of the owner of the land or any part thereof and upon payment of a fee of \$25, make an order releasing and discharging the land or part from any reservation relating to roads mentioned in section 67 or in the letters patent. R.S.O. 1960, c. 324, s. 69 (1).

(2) Where letters patent have issued for land that is in a municipality and contain a reservation of the right of access to the shores of all rivers, streams and lakes for all vessels, boats and persons, and the Minister is of the opinion that the reservation no longer serves a useful purpose or that the release of the reservation is in the public interest, he may, upon application of the owner of the land or any part thereof and upon payment of a fee of \$25, make an order releasing and discharging the land or part thereof from the reservation. 1965, c. 108, s. 2 (1).

Release of
access
reservation

(3) Any order made under subsection 1 or 2 may be registered in the proper registry or land titles office. R.S.O. 1960, c. 324, s. 69 (2); 1965, c. 108, s. 2 (2).

Registra-
tion of
orders

69. In all sales, free grant locations, leases, licences of occupation, mining claims and other dispositions of public lands, or mining lands or mining rights, the Minister may reserve from sale any water power or privilege, and such area of land in connection therewith as he considers necessary for the erection of buildings and plant and the development and utilization of the power, together with the right to lay out and use such roads as may be necessary for passage to and from such water power or privilege and land. R.S.O. 1960, c. 324, s. 70.

Reservation
of water
power on
public
lands

70. Where letters patent have issued granting summer resort lands subject to the conditions that the patentee shall within eighteen months from the date of the patent expend not less than \$300 in the construction of buildings or of other improvements and that no building or other construction shall be erected unless the plan and description thereof have been approved by the Minister, such conditions shall be deemed to be void and of no effect. R.S.O. 1960, c. 324, s. 71.

Building
conditions
in patents
voided

71.—(1) The Minister may issue a certificate as to any condition, proviso or reservation that is void by statute.

Certificate

(2) An applicant for a certificate under subsection 1 shall pay a fee of \$15 for every such certificate. R.S.O. 1960, c. 324, s. 72.

Fee for
certificate

72.—(1) In this section, "lot" includes block, parcel or any other designation given to an area of land.

Interpre-
tation

(2) Subject to subsection 6, where public lands that have been disposed of by the Crown under this or any other Act are surveyed, subdivided and shown as lots on a plan to be deposited, filed or registered under any Act and the plan is signed by or on behalf of the owner of the land shown on the plan within five years of the issue of the letters patent granting the land, one-quarter in acreage of all the lots shown on the plan become the property of and are vested in the Crown and are public lands within the meaning of this Act upon the depositing, filing or registration of the plan.

Right of
Crown to
one-quarter
of lots

Manner of
selection

(3) In cases under subsection 2, the Minister may make such selection of the lots on the plan as he and the person by whom the plan is to be registered agree upon, or the Minister may first select one lot and such person shall then select three lots and so on in turn, the Minister selecting one and such person three until the division is made.

Selection
made
deemed
to be one-
quarter of
lots

(4) The selection made under subsection 3 shall comprise as nearly as may be one-quarter in acreage of all the lots on the plan, and, for the purpose of subsection 2, the selection so made shall be deemed to comprise one-quarter in acreage of such lots.

Certificate
of Minister
as to
selection

(5) In cases under subsection 3, there shall be endorsed on the plan a certificate of the Minister in the following words or in words of like effect:

I hereby certify that, pursuant to subsection 3 of section 72 of *The Public Lands Act*, I have selected
..... from all the lots on this plan.
(lots)

Dated at Toronto, this day of,
19.....

.....
Minister of Lands and Forests

Commuta-
tion

(6) The Minister, with the approval of the Lieutenant Governor in Council, may accept a money payment in lieu of one-quarter in acreage of all the lots on the plan.

Certificate
of Minister
as to money
payment

(7) In cases under subsection 6, there shall be endorsed on the plan a certificate of the Minister in the following words or in words of like effect:

Pursuant to subsection 6 of section 72 of *The Public Lands Act*,
the Lieutenant Governor in Council by his Order No.
....., dated the day
of, 19....., has approved the
acceptance of a money payment in lieu of one-quarter in acreage of all
lots on this plan.

Dated at Toronto, this day of,
19.....

.....
Minister of Lands and Forests

Approval
of plan

(8) No plan to which this section applies shall be deposited, filed or registered until the Minister has approved the plan and, in approving such a plan, regard shall be had to the price paid to the Crown for the land, the purpose for which the land was purchased from the Crown, the purpose for which the land is being subdivided and such other matters as the Minister considers advisable in

the public interest and in granting approval the Minister may impose such conditions as in his opinion are advisable.

(9) No plan to which this section applies and no instrument referring thereto shall be deposited, filed or registered in any land titles or registry office until a certificate under subsection 5 or 7 and the approval of the Minister under subsection 8 are endorsed on the plan.

Condition
precedent
to registra-
tion

(10) In cases under subsection 3, the master of titles or the registrar of deeds, as the case may be, shall, upon registration of the plan, enter Her Majesty the Queen in right of Ontario as the owner of the lots mentioned in the certificate endorsed thereon.

Entry of
Crown as
owner

(11) Nothing in this section affects any right in mines or minerals. 1961-62, c. 117, s. 8.

Mines and
minerals

CHAPTER 381

The Public Libraries Act

1. In this Act,

Interpre-
tation

- (a) “board” in Part I means a public library board, in Part II means any board established under this Act or a predecessor of this Act, in Part III means a regional library system board and in Part IV means a county library board;
- (b) “Department” means the Department of Education;
- (c) “Minister” means the Minister of Education;
- (d) “municipality” means a city, town, village, township or improvement district;
- (e) “regulations” means the regulations made under this Act or *The Department of Education Act*. 1966, c. 128, s. 1. R.S.O. 1970,
c. 111

PART I

PUBLIC LIBRARY SERVICE

2.—(1) Subject to subsections 2 and 3, every public library established under a predecessor of this Part that was being operated immediately before the 1st day of January, 1967 is continued subject to this Part. Public
libraries
continued

(2) Where a public library established before the 1st day of January, 1967 for a school section was being operated immediately before such date, the council of the municipality in which the public library of the school section is situate shall establish a public library, and, on the day the board for such public library is organized, the public library board of the school section is dissolved and its assets and liabilities become assets and liabilities of the public library board of the municipality. Public
libraries
established
for school
sections

(3) Where a public library established before the 1st day of January, 1967 for a police village was being operated immediately before such date, the council of the municipality in which the public library of the police village is situate shall establish a public library, and, on the day the board for such public library is organized, the public library board of the police village is dissolved and its assets and liabilities become assets and liabilities of the public library board of the municipality, and, if the police Public
libraries
established
for police
villages

village is situate in two or more municipalities, the public library established for the municipality shall be open to all persons who reside in the police village as if they resided in the municipality.

Public
libraries in
school
sections in
unorganized
territory
continued

(4) Every public library established before the 1st day of January, 1967 for a school section in territory without municipal organization that was being operated immediately before such date is continued until it is disestablished upon a petition signed by a majority of the public and separate school supporters in the school section filed with the secretary of the public school board of the school section, and, when so disestablished, the assets of the public library board shall be distributed as the Minister may direct. 1966, c. 128, s. 2, *amended*.

Public
libraries,
establish-
ment

Effective
date

3.—(1) The council of a municipality and the trustees of an improvement district may by by-law establish a public library.

(2) A by-law passed in any year for the establishment of a public library becomes effective on the 1st day of January of the following year.

Board

(3) Every public library shall be under the management, regulation and control of a board, which is a corporation under the name of "The (*insert name of municipality*) Public Library Board". 1966, c. 128, s. 3.

Quali-
fications of
members of
board

4. A person is qualified to be appointed as a member of a board who,

- (a) is a Canadian citizen;
- (b) is of the full age of twenty-one years;
- (c) is resident in a municipality for which the board is established; and
- (d) is not a member of any one of the bodies entitled to make an appointment to the board. 1966, c. 128, s. 4.

Composition
of board in
city, town
or village
of 10,000
or more
population

5.—(1) The board of an urban municipality having a population of 10,000 or more shall be composed of the mayor or reeve and three members appointed by the council, three members appointed by the public school board or board of education having jurisdiction in the municipality, and two members appointed by the separate school board, if any, for the municipality.

In township
of 10,000
or more
population

(2) The board of a township having a population of 10,000 or more shall be composed of the reeve of the township and three members appointed by the council, three members appointed by the public school board or board of education having jurisdiction in the township, and two members appointed by the separate school board, if any, having jurisdiction in the township.

(3) Where there is more than one board qualified to deal with public school affairs in a township or more than one separate school board having jurisdiction in a township, in each case, the board that is supported by the greatest amount of assessment in the township shall appoint the members to be appointed by the public school board, board of education or separate school board, as the case may be, under subsection 2.

Appointment where more than one board

(4) Each member appointed by a council, public school board or board of education shall hold office for three years and each member appointed by a separate school board shall hold office for two years, provided that of the members first appointed by a council, public school board or board of education one member shall be appointed for one year, one member for two years and one member for three years, and of the members first appointed by a separate school board one member shall be appointed for one year and one member for two years, and every member shall continue to hold office until his successor is appointed.

Term of office

(5) The first appointments of members of a new board shall be made at the last regular meeting of the appointing body in the year before the board is to be organized and the members shall take office on the 1st day of January in the following year, and thereafter appointments shall be made at the first meeting of the appointing body in each year, but if an appointing body fails to appoint a member at its first meeting, it shall make the appointment at its next regular meeting. 1966, c. 128, s. 5.

Time for making appointments

6. The board of a municipality having a population of less than 10,000 shall be composed of the mayor or reeve and four members appointed annually by the council, and every member shall continue to hold office until his successor is appointed. 1966, c. 128, s. 6.

Composition of board in municipalities under 10,000 population

7.—(1) The councils of two or more municipalities may enter into agreement for the establishment of a union public library.

Union public library

(2) Any agreement under subsection 1 shall provide for the proportion of the cost of the establishment, operation and maintenance of the union public library, including the cost of existing libraries, that shall be borne by each municipality.

Agreement

(3) Every union public library shall be under the management, regulation and control of a board, which is a corporation under the name of "The (*insert names of municipalities concerned*) Union Public Library Board".

Union board

(4) A union public library board shall be composed of such number of members appointed by the council of each municipality concerned for such term of office and in such manner as the agreement may provide.

Composition of board

Qualifica-
tions of
members

(5) All members of a union public library board who are not members of a municipal council shall be Canadian citizens, over twenty-one years of age and residents of a municipality for which the union public library is established.

Dissolution
of boards
included
in union

(6) When a union public library is established, the boards formerly established in the municipalities for which the union public library board is established are thereby dissolved, and the assets and liabilities of such boards are vested in and assumed by the union public library board. 1966, c. 128, s. 7.

Vacancies,
how filled

8. Vacancies in a board arising from death, resignation or otherwise shall be filled forthwith by the appointing body, and the person appointed to fill a vacancy shall hold office for the unexpired term of the person whose place has become vacant. 1966, c. 128, s. 8.

Vacancies
by disquali-
fication

9.—(1) If a member of a board is convicted of an indictable offence, or becomes mentally ill, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within a municipality for which the board was established, he thereby vacates his seat, and the remaining members shall forthwith declare his seat vacant and notify the appointing body accordingly.

Proviso

(2) Notwithstanding subsection 1, where a member of a board is convicted of an indictable offence, the vacancy shall not be filled until the time for taking any appeal that may be taken from the conviction has elapsed or until the final determination of any appeal so taken, and, in the event of the quashing of the conviction, the seat shall be deemed not to have been vacated. 1966, c. 128, s. 9.

Members of
board not to
be parties to
contracts,
etc.

10.—(1) A member of a board shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim, except in respect of expenses under section 14, upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise is void, and a member violating the provisions of this section thereby vacates his seat.

Saving as to
newspaper
proprietors,
etc.

(2) No person is disqualified from being a member of a board or from sitting and voting on such board by reason only of being proprietor of or otherwise interested in a newspaper or other periodical publication that is subscribed for or in which an

advertisement is inserted by the board in the regular course of business, if such subscription or advertisement is paid for at the usual rate, but such member is not entitled to vote where his own account is in question.

(3) On the complaint of any ratepayer of the municipality, or of the remaining member or members of the board, the judge of the county or district court or, if he is a member of the board, the master of the Supreme Court shall, on proof of the facts, declare the seat vacant, and the secretary of the board shall forthwith notify the appointing body to make a new appointment. 1966, c. 128, s. 10.

Proceeding
to vacate
seat

11.—(1) Every board at its first meeting in each year shall elect one of its members as chairman.

Chairman

(2) In the absence of the chairman from any meeting, the board may appoint one of its members as acting chairman for the meeting. 1966, c. 128, s. 11.

Acting
chairman

12.—(1) A board may appoint and remove such officers and servants as it considers necessary, determine the terms of their employment, fix their remuneration and prescribe their duties.

Staff

(2) Every board shall appoint a secretary, who may also be the librarian and who shall,

Secretary

- (a) conduct the official correspondence for the board; and
- (b) keep a full and correct record of the proceedings of every meeting of the board in a minute book provided for that purpose by the board, and ensure that the minutes when confirmed are signed by the presiding officer.

(3) Every board shall appoint a treasurer, who may also be the secretary or assistant secretary and who shall,

Treasurer

- (a) receive and account for all moneys of the board;
- (b) open an account in the name of the board in a chartered bank approved by the board;
- (c) deposit all moneys received by him on account of the board, and no other moneys, to the credit of such account or accounts; and
- (d) disburse all moneys as directed by the board. 1966, c. 128, s. 12.

13.—(1) Every board shall hold regular meetings at least once every month from February to June inclusive and from September to January inclusive and at such other times as it considers necessary.

Regular
meetings

- Special meetings (2) The chairman or any two members of a board may summon a special meeting of the board by giving at least two days notice in writing to each member, specifying the purpose for which the meeting is called.
- Quorum (3) The presence of a majority of all the members constituting a board is necessary for the transaction of business at any general or special meeting.
- Voting (4) The chairman or acting chairman of a board may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negative. 1966, c. 128, s. 13.
- Expenses **14.** The members of a board shall serve without remuneration, but they shall be reimbursed by the board for proper travelling and other expenses incurred in carrying out their duties as members of the board. 1966, c. 128, s. 14.
- Agreements for library service **15.** Any public library board or regional or county library board may enter into agreements with any other such board or with a municipal council, school board, council of an Indian band or any person for providing any library service on such terms and conditions as may be agreed upon. 1966, c. 128, s. 15.
- Real property **16.**—(1) A board may acquire by purchase, lease or otherwise and may expropriate any land required for its purposes and may erect buildings thereon and make additions to or alterations of such buildings, and, with the consent of the council of the municipality or of a majority of the councils of the municipalities, where there are more than one, for which it was established, may sell, lease or otherwise dispose of any land or building when no longer required for such purposes.
- Acquisition or erection of building larger than required (2) A board, with the consent of the council or councils of the municipality or municipalities for which it was established, may acquire, or may erect on any land held by it, buildings larger than are required for library or branch library purposes, and may lease any parts of the buildings not so required. 1966, c. 128, s. 16 (1, 2).
- Application of R.S.O. 1970, c. 154 (3) *The Expropriations Act* applies to the expropriation of land under subsection 1. 1966, c. 128, s. 16 (3), *amended*.
- Powers and duties of board **17.** Every board,
(a) shall endeavour to provide in co-operation with other boards a comprehensive and efficient library service;
(b) shall ensure that every library under its charge is conducted in accordance with this Act and the regulations;

- (c) shall fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept;
- (d) shall transmit to the Minister all reports required by this Act and the regulations or requested by him;
- (e) shall make provision for insuring the buildings and equipment owned by the board;
- (f) shall operate a main library;
- (g) shall take proper security for the treasurer or secretary-treasurer;
- (h) may operate any number of branch libraries, reading rooms, mobile units, deposit stations, art galleries, museums, and film and other special services in connection with a library that it considers necessary; and
- (i) may appoint such committees as it considers expedient. 1966, c. 128, s. 17.

18.—(1) Every board shall appoint one or more librarians who, Librarians, appointment

- (a) in the case of a board in a municipality having a population of 10,000 or more, or in municipalities having a combined population of 10,000 or more, shall hold a certificate of librarianship issued by the Minister; and
- (b) in the case of a board in a municipality having a population of less than 10,000, or in municipalities having a combined population of less than 10,000, shall hold a certificate of librarianship, or a certificate of library service, issued by the Minister.

(2) Where a board after reasonable effort is unable to employ a librarian under subsection 1, the board shall apply to the Minister for permission to employ an uncertificated person as a librarian. Idem

(3) The chief librarian shall be the chief executive officer of the board. 1966, c. 128, s. 18. Chief executive officer

19. A board may, with the approval of the council or councils of the municipality or municipalities for which it is established, grant an annual retirement allowance to an employee in accordance with section 239 of *The Municipal Act*, which section applies *mutatis mutandis*. 1966, c. 128, s. 19. Retirement allowances
R.S.O. 1970, c. 284

20. A board, by resolution, may provide pensions for employees or any class thereof in the manner and subject to the conditions set out in paragraph 64 of section 352 of *The Municipal* Pensions

Act, which paragraph applies *mutatis mutandis*. 1966, c. 128, s. 20.

Sick leave
credits

21. A board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof in the manner and subject to the conditions set out in paragraph 65 of section 352 of *The Municipal Act*, which paragraph applies *mutatis mutandis*. 1966, c. 128, s. 21.

R.S.O. 1970,
c. 284

Rules

22.—(1) Subject to the regulations, a board may make rules for the use of the library, reading rooms and museums and for the admission of the public thereto, and for regulating all other matters and things connected with the management of the library, reading rooms and of all property under its control, and may impose fines for breaches of the rules, not exceeding \$25 for any offence.

Right to
damages

(2) Nothing herein precludes the recovery of the value of articles or things damaged or the amount of damage sustained from persons liable for such articles or things.

Closing
library for
limited
period

(3) Subject to the regulations, a board may close the library for a limited number of days when, in the opinion of the board, such closing is necessary or expedient, and the board may close the library for a period not exceeding three successive weeks at any time during the period between the 1st day of June and the 31st day of August in any year.

Permitting
use of
building

(4) A board may permit any part of its library buildings to be used for any educational or other lawful purposes that it considers proper. 1966, c. 128, s. 22.

Estimates

23.—(1) Every board in each year shall prepare and adopt and submit to the council of the municipality, or to each of the councils of the municipalities, for which the board was established, on or before such time as the council may prescribe, estimates of all sums required during the year for the purposes of the board, and such estimates,

- (a) shall set forth the estimated revenues and expenditures of the board;
- (b) shall make due allowance for a surplus of the previous year that will be available during the current year;
- (c) shall provide for any deficit of any previous year; and
- (d) may provide for capital expenditures to be made out of current funds.

Approval of
estimates

(2) The amount of the estimates of the board that is approved by the council shall be paid to the board out of the moneys appropriated for the board in such amounts as may be requisitioned from time to time.

(3) Where a board is established for two or more municipalities, the board shall submit with its estimates a statement as to the proportion thereof to be chargeable to each of the municipalities, and, if the estimates of the board are approved, or are amended and approved, by the councils of the municipalities representing more than one-half of the population of the area for which the board was established, the estimates as so approved are binding on all the municipalities in the area. 1966, c. 128, s. 23.

Where two or more municipalities concerned

24.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a board for the purposes of acquiring a site or building or erecting or altering a building or, in the first instance, for acquiring books and other things required for a library, on the application of the board, may be raised by the issue of municipal debentures.

Debentures for library purposes

(2) The application shall be made to the council or councils of the municipality or municipalities for which the board was established.

Application to council

(3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and, if a vote in any council results in a tie, the application shall be deemed to be disapproved by the council.

Council to deal with application

(4) If the council, or a majority of the councils where there are more than one, approves the application, the council of the municipality or, where more than one, the council of the municipality having the greatest assessment shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or, if it so desires, the council of any municipality may raise its proportion of the sum required by the issue of its own debentures.

Issue of debentures

R.S.O. 1970, c. 284

(5) If the council, or half or a majority of the councils where there are more than one, disapproves the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality who are qualified under *The Municipal Act* to vote on money by-laws, in the manner provided in *The Municipal Act* in the case of a money by-law.

Submission of application to ratepayers

(6) Unless the board otherwise agrees, such vote shall be held within ninety days of the receipt of the request therefor from the board.

When vote to be held

(7) If a majority of the votes cast throughout the area for which the board was established is in favour of the application, the council of the municipality in which the public library is or is to be situated shall raise the required sum by the issue of

When vote favourable

- R.S.O. 1970,
c. 284 debentures in the manner provided in *The Municipal Act*. 1966,
c. 128, s. 24.
- Grants from
municipal
councils **25.** The council of any municipality or county may make
grants in money or lands or buildings to a board. 1966, c. 128,
s. 25.
- Inspection
of records **26.** Any person, at all reasonable times, may inspect any
records, books, accounts and documents in the possession or
under the control of the secretary of a board. 1966, c. 128, s. 26.
- Libraries
to be open
to public **27.** All public libraries operated by a board shall be open to
the public free of charge, provided that the board may impose
such fees as it considers proper for the use of any library service by
any person who is not resident in the area in which the board has
jurisdiction. 1966, c. 128, s. 27.
- Free use
of library
services **28.** Every board shall permit the public to have free use of the
circulating and reference books and such other services of the
library as it considers practicable, but the board may charge fees
for such other services as it considers necessary. 1966, c. 128,
s. 28.
- Library of
Indian band **29.** Where the council of an Indian band establishes a public
library, such library, if approved by the Minister, shall be deemed
to be a public library established under this Part for the purposes
of legislative grants. 1966, c. 128, s. 29.

PART II

PROVINCIAL LIBRARY SERVICE

- Regulations **30.** The Lieutenant Governor in Council may make regula-
tions,
- (a) providing for the apportionment and distribution of all
moneys appropriated by the Legislature for library
purposes;
 - (b) prescribing the conditions governing the payments of
grants to boards;
 - (c) respecting the establishment, organization, manage-
ment, accommodations and rules of public libraries;
 - (d) respecting the establishment, organization, manage-
ment and courses of instruction of library schools,
examinations of students, and providing for the issuance
of certificates to students successful at library schools;
 - (e) governing the qualifications of librarians and assistants
and library clerks in public libraries;

- (f) governing the conduct of examinations and practical tests, and the determination of the results thereof;
- (g) governing the granting of temporary, interim, special permanent and renewed certificates of qualification to librarians and assistants;
- (h) prescribing the courses and examinations for the academic and professional training of librarians and assistants;
- (i) providing for the suspension and cancellation of certificates of qualification granted by the Department;
- (j) governing the management and organization of library institutes. 1966, c. 128, s. 30.

31. Where a board in any year fails to comply with this Act or the regulations, the Minister may withhold the whole or any part of the legislative grant payable to the board for that year. 1966, c. 128, s. 31.

Withholding
grant on
default of
board

32. The Lieutenant Governor in Council may appoint an officer, to be known as the Director of Provincial Library Service, who shall, under the direction of the Minister, supervise the operation of this Act and promote and encourage the extension of library service throughout Ontario. 1966, c. 128, s. 32.

Director of
Provincial
Library
Service

33.—(1) There shall be a council, to be known as the Ontario Provincial Library Council, herein called the Council, composed of,

Ontario
Provincial
Library
Council

- (a) nine members appointed by the Minister; and
- (b) one member appointed by the board of each regional library system.

(2) Of the members first appointed by the Minister, three members shall be appointed to hold office for two years and three members for four years, and thereafter members shall be appointed to hold office for six years.

Term of
office

(3) The members appointed by the boards of regional library systems shall hold office for one year. 1966, c. 128, s. 33.

Idem

34.—(1) The Council shall elect a chairman and a vice-chairman from among its members and may appoint such officers and servants, except a secretary, as it considers necessary.

Officers

(2) The Director of Provincial Library Service shall be the secretary of the Council, but shall not vote on the matters of the Council.

Secretary

(3) The officers elected or appointed under this section and the secretary constitute the Executive Committee of the Council.

Executive
Committee

- Committees (4) The Council may appoint such other committees as it considers necessary. 1966, c. 128, s. 34.
- Duties **35.** The Council shall make recommendations to the Minister with respect to the development and co-ordination of library service in Ontario. 1966, c. 128, s. 35.
- Meetings **36.**—(1) The Council shall meet at least three times in each year at such times and places as the Executive Committee shall determine.
- Expenses of members (2) The members of the Council shall be reimbursed by the Council for proper travelling and other expenses incurred in carrying out their duties as members of the Council. 1966, c. 128, s. 36.

PART III

REGIONAL LIBRARY SERVICE

- Regional library system, establishment **37.** The Minister, upon receipt of a request from five or more public library boards, of which at least one has jurisdiction in a municipality having a population of 15,000 or more, to establish a regional library system to assist libraries within the region, may establish a regional library system and determine the boundaries of the region. 1966, c. 128, s. 37.
- Region **38.** The region for which a regional library system may be established shall have a population of at least 100,000 and shall include at least two territorial districts or counties, and the Minister may alter the boundaries of a region. 1966, c. 128, s. 38.
- Regional library co-operatives deemed regional library systems **39.** Each regional library co-operative established under a predecessor of this Act that was in existence immediately before the 1st day of January, 1967, shall be deemed to be a regional library system for the region in which it then had jurisdiction as it may be altered by the Minister. 1966, c. 128, s. 39, *amended*.
- Board, corporate name **40.**—(1) Every regional library system shall be under the management, regulation and control of a board, which is a corporation under the name of “The Board of the (*insert name selected by the board and approved by the Minister*) Regional Library System”.
- Composition of board (2) Every board shall be composed of,
- (a) one member appointed by the public library board in each municipality having a population of 15,000 or more in the region;
 - (b) one member appointed by each county library board having jurisdiction in the region;

- (c) if the number of members appointed under clauses *a* and *b* is less than nine, such number of members appointed by the Minister to the extent that the number of members on the board will not exceed nine; and
- (d) if the number of members appointed under clauses *a*, *b* and *c* is less than nine, a number of members, not to exceed the number of members appointed under clause *a*, elected by the other public library boards having jurisdiction in the region to the extent that the number of members on the board will not exceed nine.

(3) A member of a board shall hold office until the 31st day of December of the year for which he is elected or appointed, except that the first members of a board shall hold office during the year in which the board is established and until the 31st day of December of the following year, but every member shall continue to hold office until his successor is elected or appointed.

Term of office

(4) A board may appoint a person to fill a vacancy created by any means in the membership of the board, and the person so appointed shall hold office for the remainder of the term of his predecessor.

Vacancies

(5) A member who is appointed or elected to a board after the 1st day of January, 1967 shall not hold office for more than five consecutive years. 1966, c. 128, s. 40, *amended*.

Maximum term

41. The Director of Provincial Library Service shall arrange for elections and appointments to each board and shall call the first meeting of each board. 1966, c. 128, s. 41.

Director to arrange elections, etc.

42. Every board shall endeavour to improve the standards of library service by providing a plan for co-ordinating and developing library service within the region, and shall submit each year a summary of such plan to the Ontario Provincial Library Council. 1966, c. 128, s. 42.

Duties of board

43.—(1) One or more municipal councils within the region in which a board has jurisdiction may, at the request of the board and subject to the approval of the Ontario Municipal Board, raise the sums required by the board for the purpose of acquiring sites or purchasing, erecting or altering buildings.

Power to raise sums for sites, etc.

(2) A council of a municipality in which a board has jurisdiction may, at the request of the board, levy on the rateable property within the municipality a rate sufficient to provide a sum for library service in accordance with the terms of an agreement between the board and the council. 1966, c. 128, s. 43.

Power to levy for library purposes

Powers of
board

44. A board may,

- (a) establish, separately or within one or more of the public libraries established in the region in which the board has jurisdiction, a collection of reference books and other items as the basis of a reference service for the region;
- (b) promote inter-library loan of books and other means of furthering the efficiency and co-ordination of library service;
- (c) establish a central service, and determine services that may be provided by one or more public library boards for other public library boards in the region, for,
 - (i) selecting, ordering, cataloguing, processing, circulating, storing and disposing of books, films and other materials,
 - (ii) providing an advisory service for the purpose of improving public library standards,
 - (iii) providing programs of an educational nature for adults,
 - (iv) providing programs of an educational nature for librarians and library assistants, and
 - (v) providing other similar services;
- (d) charge fees for supplying any library service, and determine the unit cost of supplying each service;
- (e) with the approval of the Minister, undertake responsibilities for providing inter-library loan of books and other services throughout Ontario; and
- (f) appoint a regional director of library services, who,
 - (i) shall hold a Class A, B or C certificate of librarianship,
 - (ii) may be an employee of a public library board having jurisdiction in the region if that board agrees to the appointment, and
 - (iii) shall not be an employee of any other public library board. 1966, c. 128, s. 44.

Application
of general
provisions

45. Sections 8 to 12, 14 to 16, 18 to 22 and 25 to 28 apply *mutatis mutandis* to every board of a regional library system. 1966, c. 128, s. 46.

PART IV

COUNTY LIBRARY SERVICE

County
library,
establish-
ment

46.—(1) Where at least 75 per cent of the municipalities forming part of a county for municipal purposes request the county to establish a county library, the council of the county

may by by-law establish a county library for all such municipalities.

(2) Where at least half of the municipalities forming part of a county for municipal purposes and having a combined population of at least 25,000 request the county to establish a county library, the council of the county may by by-law establish a county library for all the municipalities that so request. Idem

(3) No request of a local municipality for the establishment of a county library shall be acted on unless the request is authorized by a favourable vote of a majority of the members of the council of the local municipality. Request for establishment

(4) A by-law passed by the council of a county under this section is not effective until approved by the Minister and, when so approved, is effective on the 1st day of January of the year following unless otherwise provided in the by-law. Approval of Minister

(5) When a county library is established, every public library board and county library co-operative established for a municipality or any part thereof that is included in the area for which the county library is established is thereby dissolved, and the assets and liabilities of such boards are thereby vested in and assumed by the county library board unless otherwise provided in the by-law establishing the county library. 1966, c. 128, s. 47. Dissolution of public library boards, etc.

47.—(1) Every county library shall be under the management, regulation and control of a board, which is a corporation under the name of “The (*insert name of county*) County Library Board”. County library board

(2) A county library board shall be composed of the warden of the county and six members appointed by the county council, three of whom shall be members of the county council who represent a local municipality in the area for which the county library was established and three of whom shall be persons resident in a municipality in which the board has jurisdiction who are twenty-one years of age and Canadian citizens and who are not members of the council. Composition of board

(3) The members of the board who are not members of the county council shall hold office for three years, except that, when appointments are made to a newly-established board, one member shall be appointed for one year, one member for two years and one member for three years. Term of office of members other than councillors

(4) The council of the county shall make such appointments at the first meeting of council in each year. Appointments

- Term of office (5) Each member shall hold office until his successor is appointed.
- First meeting (6) The first meeting of a newly-established board shall be called by the clerk of the county forthwith after the members of the board have been appointed. 1966, c. 128, s. 48.
- Application of general provisions **48.** Sections 8 to 22 and 25 to 28 apply *mutatis mutandis* to every county library board. 1966, c. 128, s. 49.
- Branch libraries **49.** Every county library board shall operate and maintain a library as a branch in each local municipality that operated a public library prior to the date upon which that municipality became part of the county library system. 1966, c. 128, s. 50.
- Librarian **50.** Every board shall appoint a librarian who shall,
(a) hold a Class A, B or C certificate of librarianship issued by the Minister;
(b) be the chief executive officer of the board; and
(c) attend the meetings of the board or designate a person to represent him. 1966, c. 128, s. 51.
- County library rate **51.**—(1) The council of a county in which a county library has been established may by by-law provide for the levying of a rate, upon the equalized assessment of the municipalities that form part of the county for municipal purposes and that are in the area in which the county library board has jurisdiction, sufficient to meet the amount estimated by the board to meet its operating costs, as approved by the council, and such rate shall form part of the county rates for such municipalities.
- Accommodation may be provided by local municipality (2) Where such rate in any year is not sufficient for the purpose of providing accommodation for branch libraries, the council of one or more municipalities may, at the request of the board, rent accommodation to the board and may, subject to the approval of the Ontario Municipal Board, issue municipal debentures for the cost of constructing buildings for the purposes of the board, but the ownership thereof shall remain with the municipal corporation. 1966, c. 128, s. 52.
- County library co-operatives continued **52.**—(1) Every county library co-operative board established under a predecessor of this Act that was in existence immediately before the 1st day of January, 1967 is subject to subsection 2, continued with the same powers and duties. 1966, c. 128, s. 53 (1), *amended*.

(2) Where a county library co-operative has jurisdiction in an area for which a county library is established, the county library co-operative is dissolved, and its assets and liabilities become assets and liabilities of the county library board.

(3) The board of a county library co-operative shall be composed of the warden of the county and six members appointed annually by the county council, three of whom shall be members of the county council. 1966, c. 128, s. 53 (2, 3).

CHAPTER 382

The Public Officers Act

1. No person shall be employed in any public office in Ontario who is not a British subject by birth or naturalization, but nothing in this section prevents the employment of any person for a temporary purpose by the Government of Ontario or by any commission acting for or on behalf of the Crown, when in the opinion of the Government or of such commission such employment is in the public interest. R.S.O. 1960, c. 326, s. 1.

Public officer
to be British
subject

2.—(1) It is not necessary, upon the demise of the Sovereign, to renew any commission, by virtue whereof any public officer or functionary in Ontario held his office or profession, during the previous reign, but a proclamation shall be issued by the Lieutenant Governor, authorizing all persons in office who held commissions under the late Sovereign and all functionaries who exercised any profession by virtue of any such commissions, to continue in the due exercise of their respective duties, functions and professions, and such proclamation shall suffice, and the incumbents shall, as soon thereafter as may be, take the usual and customary oath of allegiance before the proper officer or officers thereunto appointed.

Commissions
continued on
demise of the
Sovereign

(2) The proclamation having been issued and oath taken, every public officer and functionary shall continue in the lawful exercise of the duties and functions of his office or profession as fully as if appointed *de novo* by commission derived from the Sovereign for the time being, and all acts and things *bona fide* done and performed by such incumbents in their respective offices and in the due and faithful performance of their duties and functions between the time of the demise and the proclamation so to be issued, the oath of allegiance being always duly taken, shall be deemed to be legally done and valid accordingly. R.S.O. 1960, c. 326, s. 2.

Continuance
in duty
and validity
of acts

3. Nothing in section 2 prejudices or in any way affects the rights or prerogatives of the Crown with respect to any office or appointment derived or held by authority from the Crown, nor prejudices or affects the rights or prerogatives thereof in any other respect whatsoever. R.S.O. 1960, c. 326, s. 3.

Savings as to
rights of the
Crown

4. It is not necessary for any person appointed to any office in Ontario or for any person called as a barrister or admitted as a

Oaths of
allegiance
and office

solicitor to make any declaration or subscription or to take or subscribe any other oath than the following:

I, . . . , do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (*or the reigning Sovereign for the time being*), her heirs and successors according to law. So help me God.

and also such oath for the faithful performance of the duties of his office or for the due exercise of his profession or calling as may be required by any law in that behalf. R.S.O. 1960, c. 326, s. 4.

Form of
oath of
allegiance
to be used

5. Except where otherwise specially provided, the form hereinbefore set forth, and no other, is the oath of allegiance to be administered to and taken by every person in Ontario, who, either of his own accord or in compliance with any lawful requirement made on him or in obedience to the directions of any Act, desires to take an oath of allegiance. R.S.O. 1960, c. 326, s. 5.

Who may
administer
oath of
allegiance

6. All provincial judges and all other officers lawfully authorized, either by virtue of their office or by special commission from the Crown for that purpose, may administer the oath of allegiance in any part of Ontario. R.S.O. 1960, c. 326, s. 6, *amended*.

Security to
be given
by certain
public
officers

7.—(1) Security by or on behalf of every person appointed to any office or employment, or commission in the public service of Ontario, or to any office or employment of public trust, or wherein he is concerned in the collection, receipt, disbursement or expenditure of any public money under the Government of Ontario, and who by reason thereof is required to give security, shall be furnished within one month after notice of his appointment, if he is then in Ontario, or within three months, if he is then absent from Ontario (unless he sooner arrives in Ontario, and then within one month after such arrival), in such sum and in such manner as is approved of by the Lieutenant Governor in Council or by the principal officer or person in the office or department to which he is appointed, for the due performance of the trust reposed in him and for his duly accounting for all public moneys entrusted to him or placed under his control.

Liability of
sureties of
public officer
for acts of
deputy

(2) Where a deputy is appointed by a person holding an office, any security required by law and given on behalf of such person, extends to and includes the acts and omissions of the deputy, whether appointed before or after the giving of the security.

Security to
cover acts
and omis-
sions of
deputy

(3) The liability of the sureties, and of the officer appointing the deputy, is the same as regards the performance of the duties of the office by the deputy, as in regard to the performance thereof by the person holding the office, and such liability extends to and covers all acts and omissions of the deputy while he continues to perform the duties of the office, and whether before or after the

death or resignation of the person appointing him, subject to the same rights of withdrawal by the sureties from liability, as exist in regard to the security given by public officers.

(4) The Lieutenant Governor in Council may, notwithstanding this section, require new security to be furnished by any deputy on the death or resignation of the person holding the office wherein he is deputy, and such security shall be for the like amount, and subject to the same conditions as that required by law for the due performance of the duties of the officer whom the deputy represents. R.S.O. 1960, c. 326, s. 7.

Deputy may be required to furnish security

8. The Lieutenant Governor in Council may prescribe the form of the security required to be furnished under any statute by a public officer or by any class of public officers, and may authorize the Treasurer of Ontario to enter into agreements in Her Majesty's name with any corporation authorized to carry on the business of fidelity insurance in Ontario for the furnishing of security for any public officer, or for public officers generally, or for any class or classes of public officers. R.S.O. 1960, c. 326, s. 8.

Form of security

9. Nothing in the preceding sections applies to any treasurer or other officer of a municipal or school corporation having the custody of moneys of such corporation. R.S.O. 1960, c. 326, s. 9.

Saving as to municipal or school treasurers

10. The Treasurer of Ontario shall cause to be prepared and laid before the Assembly, within fifteen days after the opening of every session thereof, a detailed statement of all securities furnished on behalf of public officers, and of any changes that have been made in reference to such securities since the last statement laid before the Assembly. R.S.O. 1960, c. 326, s. 10.

Laying statement of securities before Assembly

11. The security furnished on behalf of any public officer in pursuance of this or any other Act requiring security enures as well for the benefit of Her Majesty as for that of the persons for whose benefit it is provided by the Act requiring the security or otherwise that it shall enure. R.S.O. 1960, c. 326, s. 11.

Effect of securities by public officers

12. Where a person is surety for a public officer or for any person appointed to any office, employment or commission in the public service of Ontario, or to any office or employment of public trust, whether the suretyship is for the benefit of Her Majesty or enures for the benefit of any person injured by the default or misconduct of the officer or other person, and an action is brought against the surety, no damages shall be recovered except as to matters and causes of action that have arisen within ten years next before the commencement of the action. R.S.O. 1960, c. 326, s. 12.

Limitation of actions against sureties of public officers

County court
and small
claims court
clerks and
surrogate
court
registrars

13. Every clerk of a county court, every registrar of a surrogate court and every clerk of a small claims court for a division embracing a city or part of a city, shall keep a separate book in which he shall enter from day to day all fees, charges and emoluments received by him by virtue of his office, showing the sums received by him for fees, charges and emoluments of all kinds whatsoever, and shall on or before the 15th day of January in each year make up a statement under oath of such fees, charges and emoluments to and including the 31st day of December of the previous year and deliver or mail it to the Provincial Secretary. R.S.O. 1960, c. 326, s. 13, *amended*.

Particulars
in returns
by public
officers

14. Every public officer who is by this or any other Act required to make a return of the fees and emoluments of his office to any department of the Government, or to any officer, shall include in his return,

- (a) the aggregate amount of all fees and emoluments earned by him during the preceding year by virtue of his office;
- (b) the aggregate amount of all fees and emoluments actually received by him during the preceding year by virtue of his office;
- (c) the actual amount of the disbursements during the same period in connection with his office, and such other particulars as the Lieutenant Governor in Council may prescribe. R.S.O. 1960, c. 326, s. 14.

Procedure
against per-
son who has
ceased to be
a public
officer for
retaining
moneys,
books, etc.

15. Where a person who has been, but has ceased to be, a public officer, retains possession of any accounts, moneys, books, papers, matters or things that have been in his possession as such officer, a judge of the Supreme Court or the judge of any county or district court, upon application of the successor in the office of such person or of the Minister of Justice and Attorney General or of some person by his authority, and on notice to the person affected, may order that such accounts, moneys, books, papers, matters and things be forthwith delivered to such successor in office or to such person as the judge may direct, and in default that such person be committed to a correctional institution in the county or district in which he resides for such period as the judge may direct, or until he complies with the directions of the order, and may authorize the sheriff of any county or district in which the same may be found to forthwith seize and take such accounts, moneys, books, papers, matters and things, and deliver them to the persons to whom they have been directed to be delivered. R.S.O. 1960, c. 326, s. 15, *amended*.

Procedure
when public
officer
interested
in question
before him

16. Where by any general or special Act any person or the occupant for the time being of any office is empowered to do or perform any act, matter or thing and such person or the occupant for the time being of such office is disqualified by interest from

acting and no other person is by law empowered to do or perform such act, matter or thing, then he or any interested person may apply, upon summary motion, to a judge of the Supreme Court, who may appoint some disinterested person to do or perform the act, matter or thing in question. R.S.O. 1960, c. 326, s. 16.

CHAPTER 383

The Public Officers' Fees Act

1. In this Act,

(a) “net income” means the excess of all fees and emoluments earned during the calendar year by an officer, by virtue of all his offices, after deducting such disbursements incident to the business of the office as may be allowed by the proper officer including the salaries of clerks and other employees;

(b) “proper officer” means the inspector appointed under any Act who has supervision over the office in question, or any person designated by the Lieutenant Governor in Council. R.S.O. 1960, c. 327, s. 1.
- 2.—(1) Every officer to whom this Act applies who is paid by fees and not by salary only shall pay to the Treasurer of Ontario a percentage of the fees earned by him during the calendar year as provided by this Act and by any regulation made thereunder. R.S.O. 1960, c. 327, s. 2 (1); 1970, c. 121, s. 1.

(2) When more than one person has held an office in a calendar year, each shall pay a proportionate part based upon his net income and the time he held office. R.S.O. 1960, c. 327, s. 2 (2).
- 3.—(1) On or before the 15th day of January in each year every officer to whom this Act applies shall transmit to the proper officer a return under oath of all fees and emoluments, including his salary, if any, earned in respect of his office, whether actually received or not, and also of the disbursements of his office during the calendar year ending on the 31st day of December previous to such return, and shall with such return transmit by marked cheque payable to the Treasurer of Ontario the percentage payable to the Government under this Act.

(2) When a person ceases to hold office during a calendar year, he shall make a return and remit a cheque for the due proportion of the percentage within thirty days from the time he ceases to hold office.

(3) Upon the death of a person holding office, his representatives shall make a return within thirty days from the date of death and pay the due proportion of the percentage. R.S.O. 1960, c. 327, s. 3 (1-3).
- Interpretation

Percentage of fees payable to Province

Apportionment

Returns to be made on or before 15th January

When ceasing to hold office

Where officer dies

Minister of
Justice and
Attorney
General
may require
special
return

(4) When so required by the Minister of Justice and Attorney General, any officer shall make at any time a special return and shall forthwith pay over the due proportion of the percentage as of the date of such return. R.S.O. 1960, c. 327, s. 3 (4), *amended*.

Allowances
for salary
to be
approved

4.—(1) No allowance shall be made for any salary to any clerk or other employee until the proper officer has certified to the necessity for his employment and the reasonableness of the salary paid.

Application
of section

(2) This section applies to every person holding the office of Crown attorney, clerk of the peace, sheriff, local registrar of the Supreme Court, deputy registrar, clerk of the county or district court, registrar of the surrogate court, and to every other officer designated by the Lieutenant Governor in Council. R.S.O. 1960, c. 327, s. 4.

Crown
attorney

5. Every Crown attorney, whether he is or is not the clerk of the peace, and every clerk of the peace, is entitled to retain to his own use in each year his net income up to \$6,000, but shall pay to the Treasurer of Ontario 50 per cent of the excess over that sum. R.S.O. 1960, c. 327, s. 5.

Supreme
Court,
county
court and
surrogate
court fees

6.—(1) Every local registrar of the Supreme Court, deputy registrar, county or district court clerk and registrar of the surrogate court, whether holding one or more of such offices, and every sheriff is entitled to retain to his own use in each year his net income up to \$4,000.

Percentages
payable on
net income

(2) On the net income of each year over \$4,000, he shall pay to the Treasurer of Ontario,

- (a) on the excess over \$4,000 up to \$6,000, 50 per cent;
- (b) on the excess over \$6,000, 90 per cent. R.S.O. 1960, c. 327, s. 6.

Small claims
court clerks

7.—(1) Every small claims court clerk is entitled to retain to his own use in each year,

- (a) all the gross fees earned by him in that year up to \$20,000;
- (b) on the excess over \$20,000, 40 per cent thereof,

and he shall pay the balance of such fees to the Treasurer of Ontario.

Small
claims
court
bailiffs

(2) Every small claims court bailiff is entitled to retain to his own use in each year,

- (a) all the gross fees earned by him that year up to \$20,000;
- (b) on the excess over \$20,000, 70 per cent thereof,

and he shall pay the balance of such fees to the Treasurer of Ontario. 1970, c. 121, s. 2, *amended*.

8. The money paid to the Treasurer of Ontario forms part of the Consolidated Revenue Fund. R.S.O. 1960, c. 327, s. 8. Application of moneys

9. The Lieutenant Governor in Council may direct the payment out of the Consolidated Revenue Fund to the sheriff and other officers of any provisional judicial district of such several sums of money by way of salary or otherwise and in addition to the fees that are received by such officers as are thought reasonable for the services performed by them. R.S.O. 1960, c. 327, s. 9. Salaries of sheriffs in districts

10. The Lieutenant Governor in Council may make regulations for the management of the offices of all public officers, and may confer upon any inspector such powers as are considered necessary for the carrying out of this Act and of the Acts under which such officers are appointed or under which they are required to discharge their duties. R.S.O. 1960, c. 327, s. 10. Regulations for management of offices

11. Where it appears by a return to the Lieutenant Governor or to any department of the Government that in any year a sheriff, local registrar of the Supreme Court, deputy registrar, county or district court clerk, and registrar of the surrogate court, whether holding one or more of the above offices, has derived from the fees, emoluments and salary, if any, of his office, after deducting necessary disbursements, an income which does not exceed \$3,200, or the amount at which he is commuted, as the case may be, there may, on the report of the Inspector of Legal Offices, be paid to such officer out of the Consolidated Revenue Fund an amount sufficient to make up the income for the year to \$3,200, or to the amount at which he is commuted, as the case may be, if the Lieutenant Governor in Council so directs. R.S.O. 1960, c. 327, s. 11. Minimum salary for certain officers

12. An officer, other than a sheriff, to whom this Act applies shall cease to hold office upon attaining the age of eighty years and the appointment of his successor. R.S.O. 1960, c. 327, s. 13. Compulsory retirement of officers

CHAPTER 384

The Public Parks Act

1.—(1) A park, or a system of parks, avenues, boulevards and drives, or any of them, may be established in any municipality, and the same, as well as existing parks and avenues, may be controlled and managed in the manner hereinafter provided.

Establishment of parks

(2) Subject to subsection 5, if a petition, praying for the adoption of this Act, is presented to the council of any county or city signed by not less than 500 electors, or to the council of any town or township signed by not less than 200 electors, or to the council of any village signed by not less than 75 electors, the council may pass a by-law giving effect to the petition, with the assent of the electors qualified to vote at municipal elections, given before the final passing of the by-law as provided by *The Municipal Act*.

Petition and by-law therefor

R.S.O. 1970, c. 284

(3) If the majority of the votes is in favour of the by-law, it shall be finally passed by the council at its next regular meeting held after the taking of the vote, or as soon thereafter as may be.

Idem

(4) If the vote is adverse, no by-law for the same purpose shall afterwards be submitted to the electors within the same year.

Restriction

(5) It is not necessary for a county council to submit the by-law for the assent of the electors if the by-law, on the final reading thereof, is approved by three-fifths of the members of the council then present. R.S.O. 1960, c. 329, s. 1.

When submission to electors unnecessary

(6) A by-law passed under subsection 2 may be repealed with the assent of the electors qualified to vote at municipal elections.

Repeal of by-law

(7) When a by-law passed under subsection 2 is repealed, every officer and employee of the board of park management becomes a municipal employee and continues as such until removed by the council, unless his engagement sooner terminates. 1961-62, c. 119, s. 1.

Employees of board become municipal employees on dissolution of board

2.—(1) The parks, avenues, boulevards and drives, and approaches thereto, and streets connecting the same, shall be open to the public free of all charge, subject to the by-laws, rules and regulations of the board of park management, and subject also to sections 13 and 14.

Parks to be open to public

(2) The board of park management may pass by-laws prescribing fees for the use of any facilities provided in any park.

Fees, for use of facilities

for entrance

(3) The board of park management, with the approval of the council of the municipality, may pass by-laws prescribing fees for entrance to any park. R.S.O. 1960, c. 329, s. 2, *amended*.

Board of
park man-
agement

3.—(1) Where this Act is adopted, the general management, regulation and control of all existing parks and avenues, and of all properties both real and personal, applicable to the maintenance of parks belonging to the municipality, and of all parks, avenues, boulevards and drives which may thereafter be acquired and established under this Act, shall be vested in and exercised by a board to be called “The Board of Park Management”.

Authority
of board
to what
streets
applicable

(2) The authority of the board does not extend to any streets open at the time of the adoption of this Act, with the exception of streets expressly specified in the by-law adopting this Act, or which at any time or from time to time afterwards, in pursuance of an agreement between the council and the board, the council by by-law declares to be subject to this Act.

Consent of
municipal
council and
agricultural
society

(3) Nothing in this Act authorizes the board to assume possession or control of any exhibition park in or belonging to the municipal corporation without the consent of both the council and of any district agricultural society or exhibition association having an interest therein.

Management
of special
under-
takings
R.S.O. 1970,
c. 284

(4) The council may by by-law appoint the board to manage, regulate and control any undertaking established under paragraph 74 of section 352 of *The Municipal Act* and thereupon the management, regulation and control thereof shall be vested in and exercised by the board, and the board has power to prescribe fees for admittance to or for the use of any such undertaking. R.S.O. 1960, c. 329, s. 3, *amended*.

Constitution
of board

4. The board is a corporation, and shall be composed of the head of the municipality and of six other persons, who shall be residents or ratepayers of the municipality, but not members of the council, and shall be appointed by the council. R.S.O. 1960, c. 329, s. 4.

Alternative
composition
of board

5.—(1) Notwithstanding sections 4 and 6, the council of the municipality may by by-law provide that the board shall be composed of such number of resident ratepayers, not less than three and not more than seven, as the by-law provides, but where the board is to be composed of five or more persons at least two shall be members of the council.

Appoint-
ments

(2) The members of the board shall be appointed annually by the council.

Quorum

(3) A majority of the members of the board constitutes a quorum.

(4) Subsections 2, 4 to 12 and 14 of section 6 apply *mutatis mutandis* when the board is composed as provided in this section. Application of s. 6, subss. 2, 4-12, 14
R.S.O. 1960, c. 329, s. 5.

6.—(1) The appointed members of the board shall hold office for three years, except in the case of the members of the first board, two of whom shall hold office until the 1st day of February in the year following the first appointments, two for one year, and two for two years, from that day; such members retiring in rotation, two each year, the older of such retirements to be determined by lot among themselves at their first meeting; but every member of the board shall continue in office until his successor is appointed and is eligible for reappointment. Tenure of office

(2) In case of a vacancy by the death or resignation of a member, or from any cause other than the expiration of the time for which he was appointed, the member appointed in his place shall hold office for the remainder of his term and until his successor is appointed. Vacancies

(3) Save as aforesaid, each of the appointed members shall hold office for three years from the 1st day of February in the year in which he is appointed. Term of office of appointed members

(4) The first appointment of members of the board shall be made at the first regular meeting of the council held after the final passing of the by-law. First appointments

(5) Thereafter the appointments shall be made annually at the first meeting of the council held after its organization; and any vacancy arising from any cause other than the expiration of the time for which the member was appointed shall be filled at the first meeting of the council held after the occurrence of the vacancy. Subsequent appointments

(6) The first members of the board, within ten days after their appointment and on such day and hour as the head of the municipality shall appoint, notice of the appointment in writing, signed by him, having been duly sent to the address of each member at least one week before the day and hour named therein, shall meet at the office of the head for the purpose of organization, shall elect one of their number chairman and shall appoint a secretary who may be one of their own number. Organization of board

(7) If for any reason appointments are not made at the prescribed time, they shall be made as soon as may be thereafter. When appointments not made at required time

(8) The chairman and secretary shall hold office at the pleasure of the board, or for such period as the board may prescribe. Tenure of office of chairman and secretary

(9) When the chairman or secretary is absent or unable to act, the board may appoint a chairman or secretary *pro tempore*. Chairman and secretary *pro tem*

(10) The board shall meet at least once in every month. Monthly meeting

Calling
special
meeting

(11) The chairman or any two members may summon a special meeting of the board by giving at least two days notice in writing to each member, specifying the purpose for which the meeting is called.

Vacating
office by
absence

(12) The office of a member who is absent from the meetings of the board for three consecutive months, without leave of absence from the board or without reasons satisfactory to the board, shall be declared vacant by the board, and notice thereof shall be given to the council at its next meeting.

Quorum

(13) No business shall be transacted at any special or general meeting unless at least four members are present.

Records

(14) All orders and proceedings of the board shall be entered in books to be kept for that purpose and shall be signed by the chairman for the time being, and, when so entered and purporting to be so signed, shall be deemed to be original orders and proceedings, and the books may be produced and read in any judicial proceeding as evidence of the orders and proceedings. R.S.O. 1960, c. 329, s. 6.

Payment of
expenses of
members

7.—(1) The members of the board shall serve without compensation, but each member is entitled to receive his actual disbursements for expenses in visiting or superintending the park or park property where the visit or service is made or rendered by direction of the board.

Prohibition
against
interest in
contracts

(2) No member of the board, or of the council, shall have any contract with the board, or be pecuniarily interested, directly or indirectly, in any contract or work relating to the park or park property. R.S.O. 1960, c. 329, s. 7.

Assistance

8. The board may employ all necessary clerks, agents and servants, and may prescribe their duties and compensation. R.S.O. 1960, c. 329, s. 8.

Custody and
inspection of
records

9. The board shall keep in its office all books, maps, plans, papers and documents used in and pertaining to the business of the board, and the same shall be open to the examination of the members of the council, and of any other person appointed for that purpose by the council. R.S.O. 1960, c. 329, s. 9.

Accounts

10. The board shall keep accounts of its receipts, payments, credits and liabilities, and the accounts shall be audited by the auditor of the municipal corporation in like manner as other accounts of the municipal corporation, and shall thereafter be laid before the council by the board. R.S.O. 1960, c. 329, s. 10.

Power to
make by-
laws, etc.

11.—(1) The board may pass by-laws for the use, regulation, protection and government of the parks, avenues, boulevards and

drives, the approaches thereto, and streets connecting the same, not inconsistent with the provisions of this Act or of any law of Ontario.

(2) The powers conferred upon municipal councils by *The Railways Act*, so far as relates to any streets or approaches under the control of the board, shall not be exercised without the consent of the board, and no street railway or other railway shall enter upon or pass through the park.

Consent of board necessary for exercise of certain powers
R.S.O. 1950, c. 331

(3) The board has power to license cabs and other vehicles for use in a park, and to let from year to year, or for any time not exceeding ten years, the right to sell refreshments, other than spirituous, fermented or intoxicating liquors, within the park under such regulations as the board shall prescribe.

Licensing of cabs and vehicles and sale of refreshments

(4) The board has power in and by their by-laws to attach penalties for the infraction thereof, and such by-laws may be enforced and the penalties thereunder recovered in like manner as by-laws of municipal councils and the penalties thereunder may be enforced and recovered.

Penalties

(5) The by-laws are sufficiently authenticated by being signed by the chairman of the board, and a copy of any by-law, written or printed, and certified to be a true copy by any member of the board, is receivable as evidence without proof of any such signature. R.S.O. 1960, c. 329, s. 11.

By-laws, authentication of

(6) The board may perform such services for the municipality or any other local board as it ordinarily performs in the general maintenance and operation of parks under the authority of this Act and may receive compensation for such services.

Board authorized to perform services

(7) The driver of a vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this section, and the owner of the vehicle is also liable to such a penalty unless, at the time the offence was committed, the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent. 1961-62, c. 119, s. 2.

Owner and driver of vehicle liable to penalties

12. Real and personal property may be devised, bequeathed, granted, conveyed or given to the municipal corporation for the establishment or formation of a park, or for the purpose of the improvement or ornamentation of any park of the municipality, and of the avenues, boulevards and drives and approaches thereto, and of the streets connecting therewith, and for the establishment and maintenance on park property of museums, zoological or other gardens, natural history collections, observatories, monuments or works of art, upon such trusts and conditions as may be prescribed by the donor. R.S.O. 1960, c. 329, s. 12.

Power of municipality to acquire property for park purposes

Power of the board to acquire land

13.—(1) The board may acquire by purchase, lease or otherwise the land, rights and privileges required for park purposes under this Act. R.S.O. 1960, c. 329, s. 13 (1).

Grantee

(2) The conveyance of all land, rights and privileges so acquired by purchase or lease shall be taken to the municipal corporation.

Power to lease

(3) The board has power to let any land not immediately required for park purposes.

Power to sell

(4) If it has more land than is required for park purposes, the board may sell or otherwise dispose of the land not required in such manner and upon such terms as may be considered most advantageous.

Lands for athletic, etc., purposes

(5) Where a park has been purchased or has been acquired by the board or by the corporation of the municipality, otherwise than by gift or devise, or by dedication to the public by the owner of the land, freely, or at a nominal price or rental, the board may set apart a sufficient part thereof for athletic purposes or for the purposes of sport, exhibitions or other lawful amusements or entertainments, and may lease it for such purposes, for such times and on such terms as the board may see fit, but the powers conferred by this subsection are not exercisable with respect to any park unless the board has applied for and received the approval of the council. R.S.O. 1960, c. 329, s. 13 (3-6), *amended*.

Municipality may empower board to manage any corporation land

14.—(1) The council of the municipal corporation may by by-law provide that any land acquired by the corporation and not immediately required for any other purpose shall be under the management and control of the board, and the board may set apart the land or any part thereof for athletic purposes or for the purposes of sport, exhibitions or other lawful amusements or entertainments, and may lease it for such purposes, for such times and on such terms as the board may see fit.

Council may repeal by-law

(2) The council may repeal any by-law passed under subsection 1, and the municipal corporation may thereafter sell or otherwise dispose of the land or use it for any lawful purpose of the corporation. R.S.O. 1960, c. 329, s. 14.

Power to enter on lands and expropriate streams, etc.

15. The board, its engineers, surveyors, servants and workmen may enter upon the land of any person in the municipality, or, in the case of a city within ten miles, and in the case of a town within five miles thereof, and may survey, set out and ascertain such parts thereof as are required for parks, avenues, boulevards and drives and approaches thereto, or for any other purposes of the board, including the supply of water for artificial lakes, fountains and other park purposes, and with the consent of all parties interested capable of consenting, may divert and expropri-

ate any river, ponds of water, springs or streams of water therein that the engineer, surveyor or other person authorized by the board considers suitable for such purposes, and the board may contract with the owner or occupier of the land and with those having a right or interest in the water, for the purchase or renting thereof or of any part thereof, or of any privilege that may be required for the purposes of the board; but the board shall not interfere with the waterworks or water supply of any municipal corporation or of any waterworks company. R.S.O. 1960, c. 329, s. 15.

16. In case of any disagreement between the board and the owner or occupier of, or any other person interested in such land, or any person having an interest in such water, or in the natural flow thereof, or in any such privilege, respecting the amount of purchase money or yearly rental thereof, or otherwise, the matter in question, other than those to which *The Expropriations Act* applies, shall be determined by arbitration under *The Municipal Act* as hereinafter provided. R.S.O. 1960, c. 329, s. 16, *amended*. Arbitration
R.S.O. 1970,
cc. 154, 284

17. Sections 335, 336 and 338 of *The Municipal Act* shall be read as part of this Act, and apply to the board as if the board were named therein instead of the corporation or municipal council. R.S.O. 1960, c. 329, s. 17. Application of
R.S.O. 1970,
c. 284

18.—(1) The board shall, in the month of February in every year, prepare an estimate of the sums required during the ensuing financial year for, Board to
make yearly
estimates

- (a) the interest on money borrowed;
- (b) payment of interest and principal on debentures;
- (c) the expense of managing, regulating and controlling any undertaking established under paragraph 74 of section 352 of *The Municipal Act*;
- (d) the expense of maintaining, improving and managing the parks, boulevards, avenues and streets under its control; and
- (e) the interest and instalments of purchase money for the purchase of small squares or parks.

(2) The board shall report its estimate to the council not later than the 15th day of February in each year. R.S.O. 1960, c. 329, s. 18, (1, 2). When esti-
mate to be
reported

(3) The council may include in its estimates the sums estimated to be required by the board of park management under subsection 1, or such greater or lesser sums as the council may determine. 1968-69, c. 101, s. 1 (1). Estimates
for park
purposes

(4) Subject as hereinafter provided, the council may also, on the requisition of the board, raise by the issue of debentures the Power to
issue deben-
tures

sums required for the purpose of purchasing the land and privileges that are reported by the board to be necessary for park purposes, and for making permanent improvements upon any land theretofore acquired by the board for park purposes. R.S.O. 1960, c. 329, s. 18 (5).

Application
of pro-
visions of
R.S.O. 1970,
c. 284

(5) Except as otherwise expressly provided in this Act, the provisions of *The Municipal Act* as to money by-laws and the debentures to be issued thereunder apply to by-laws passed by a municipal council under the authority of this Act and the debentures issued thereunder. R.S.O. 1960, c. 329, s. 18 (12).

Money,
application
of

(6) All money realized or payable under this Act shall be received by the treasurer of the municipality in the same manner as other money, and shall be deposited by him to the credit of the park fund, and shall be paid out by him on the orders of the board. R.S.O. 1960, c. 329, s. 18 (13); 1968-69, c. 101, s. 1 (5).

Prohibitions
and
penalties:
hindering,
etc., board
or its
officers

19.—(1) No person shall,

(a) wilfully or maliciously hinder, or interrupt, or cause or procure to be hindered or interrupted, the board or its engineers, surveyors, managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities authorized and contained in this Act;

wasting
water

(b) wilfully or maliciously let off or discharge any water so that it runs waste or useless from or out of any reservoir, pond, lake or other receptacle for water connected with any such park;

fouling
reservoir

(c) cause any dog or other animal to swim in, or throw or deposit any injurious, noisome or offensive matter into the water in any reservoir, lake, pond, or other receptacle for water connected with any such park, or upon the ice in case the water is frozen, or in any way foul the water, or commit any unlawful damage or injury to the works, pipes or water, or encourage the same to be done;

diverting
water

(d) lay or cause to be laid any pipe or main to communicate with any pipe or main belonging to the waterworks connected with any such park or parks, or in any way obtain or use any water thereof without the consent of the board;

destroying
ornamental
trees, etc.

(e) wilfully or maliciously injure, hurt, deface, tear or destroy any ornamental or shade tree or shrub or plant, or any statue, fountain, vase or fixture of ornament or utility in any street, park, avenue, drive or other public place under the control of the board, or wilfully, negligently or carelessly suffer or permit any horse or other animal driven by or for him, or any animal belonging to him or in his custody, possession or control, and lawfully

on the street or other public place, to break down, destroy or injure any tree, shrub or plant therein;

- (f) wilfully or maliciously injure, hurt or otherwise molest ^{injuring} or disturb any animal, bird or fish kept in any such park ^{animals, etc.} or in the lakes or ponds connected therewith.

(2) Every person who contravenes any provision of subsection ^{Offence} 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$1 and not more than \$20; or may be imprisoned for a term of not more than thirty days; and is liable to an action at the suit of the board to make good any damage done by him. R.S.O. 1960, c. 329, s. 19, *amended*.

CHAPTER 385

The Public Schools Act

1. In this Act,

Interpre-
tation

- (a) “board” means a public school board;
- (b) “elector” in a municipality means a person entered on the last revised voters’ list as qualified to vote at municipal elections and who is not a supporter of a separate school, and in a school section in territory without municipal organization means a person who is entered on the last revised assessment roll for the school section as a public school supporter, and who is not disqualified under this Act, and who is not a supporter of a separate school;
- (c) “ratepayer” means a person entered on the last revised assessment roll as a public school supporter for the school section or municipality. R.S.O. 1960, c. 330, s. 1.

2. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes applies to the supporters of Roman Catholic separate schools, except that all taxable property continues to be liable to taxation for the purpose of paying any liability incurred for public school purposes while the property was subject to taxation for such purposes. R.S.O. 1960, c. 330, s. 3.

Exemption
of sup-
porters of
Roman
Catholic
separate
schools

3. Until altered under the authority of this Act, all public school sections continue as they now exist, and all trustees duly elected and all officers duly appointed continue in office, and all agreements, contracts, assessments and ratebills heretofore duly made in relation to public schools and existing when this Act takes effect continue subject to the provisions of this Act. R.S.O. 1960, c. 330, s. 4.

Existing
school
arrange-
ments con-
tinued

4.—(1) Subject to section 5, a person who has attained the age of five years on or before the 31st day of December in any year has the right to attend, after the 1st day of September of the following year, a public school in the school section in which he and his parent or guardian reside or a public school in another section for which the board has made provision under section 5 unless,

Right
to attend
public
school

- (a) his parent or guardian is a separate school supporter; or

- (b) he is unable by reason of mental or physical defect to profit by instruction; or
- (c) he has been promoted to a grade beyond the grade required to be operated in the public school; or
- (d) he has attained the age of twenty-one years.

Determina-
tion as to
whether or
not person
can profit
by
instruction

(2) Where a question arises as to whether or not a person can profit by instruction in a public school, the matter shall be referred to a committee appointed by the Minister for that purpose, and the decision of the committee is final.

Evidence as
to right to
attend

(3) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend the school, including proof of age.

Kinder-
garten

(4) Where a board operates a kindergarten in a school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 1.

Junior
kindergarten

(5) Where the board operates a junior kindergarten in a school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 1. R.S.O. 1960, c. 330, s. 5 (1-5).

Kinder-
garten fees
R.S.O. 1970,
c. 424

(6) The board may charge a fee, as provided in section 72 of *The Schools Administration Act*, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1. R.S.O. 1960, c. 330, s. 5 (6); 1965, c. 109, s. 1.

Beginners
class

(7) The board may provide a class or classes for children to enter school for the first time in the second or third term of any school year on and after a date approved by the board, in which case a child whose birthday is on or after the 1st day of January and before the 1st day of July and who is eligible to be admitted to public school or kindergarten, as the case may be, the following September has the right to attend such a class. 1962-63, c. 117, s. 1; 1967, c. 82, s. 1.

Resident
pupil,
admission
to school

5.—(1) Subject to section 4, where a child and his parent or guardian reside in a school section in a residence that is assessed to the support of public schools or in a trailer for which fees are paid for the support of public schools, the child shall be admitted to a public school by the board of that section without the payment of a fee.

Admission
where public
school
supporter '1
moves into
residence
assessed to
separate
school
support

(2) Subject to section 4, where a child whose parent or guardian is not a separate school supporter moves with his parent or guardian into a residence that is assessed for separate school purposes, and the date upon which the assessment for the current year may be changed to the support of public schools has passed, upon the filing of a notice of change for the following year with the

clerk of the municipality, the child shall be admitted to a public school by the board of the section without the payment of a fee. R.S.O. 1960, c. 330, s. 6 (2, 3).

(3) Subject to section 4, a child,

- (a) who resides with his parent or guardian in a residence that is assessed to the support of public schools; and
- (b) who may be excused from attendance at the school because of distance, as provided in *The Schools Administration Act* and as certified by the appropriate supervisory officer,

Admission of resident pupil to another school by reason of distance to school
R.S.O. 1970, c. 424

may be admitted to another public school if the appropriate supervisory officer certifies that there is sufficient accommodation for him, upon the prepayment monthly by the parent or guardian of a fee as provided in section 72 of *The Schools Administration Act*, and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year. R.S.O. 1960, c. 330, s. 6 (4); 1965, c. 109, s. 2 (2), *amended*.

(4) Subject to section 4, where a child resides with his parent or guardian in a residence that is assessed to the support of public schools and the public school that he is required to attend is more than two miles from his residence by the shortest distance by road and a public school in an adjoining school section is nearer by the shortest distance by road and the supervisory officer having jurisdiction in such adjoining school section certifies that there is sufficient accommodation for such child, unless transportation is provided to the school that he is required to attend from a point within one-half mile by the shortest distance by road from his residence, the child shall be admitted to the school in the adjoining school section and the board of the school section in which he resides shall pay to the board in the adjoining school section a fee calculated in accordance with section 72 of *The Schools Administration Act*. 1964, c. 95, s. 1; 1965, c. 109, s. 2 (3), *amended*.

Resident pupil's right to attend more accessible school in adjoining school section

(5) Where a parent or guardian who resides in a school section wishes to enrol his child in a public school in another school section and does not qualify for the privilege under subsection 3, 4 or 10, the child may be admitted by the board upon the prepayment monthly by the parent or guardian of a fee as provided in section 72 of *The Schools Administration Act*. R.S.O. 1960, c. 330, s. 6 (6); 1965, c. 109, s. 2 (4); 1967, c. 82, s. 2.

Admission of non-resident pupils

(6) Subject to section 4, a child whose mother,

- (a) resides in Ontario;
- (b) is the sole supporter of the child;

Admission of child whose mother is sole supporter, etc.

(c) is not assessed as a supporter of a public or separate school in any school section; and

(d) boards her child in a residence that is assessed to the support of public schools and that is not a children's boarding home as defined in *The Children's Boarding Homes Act*,

R.S.O. 1970,
c. 65

shall be admitted to a public school in the section in which he resides without the payment of a fee. R.S.O. 1960, c. 330, s. 6 (7).

Admission
of ward of
children's
aid society

(7) Subject to subsection 8, a child who is a ward of a children's aid society shall be admitted, without the payment of a fee, to a school by the board that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward.

Where child
placed for
adoption

(8) A child who is a ward of a children's aid society and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a school by the board that is supported by the assessment of the residence in which the child resides with his adoptive parent upon receipt from the children's aid society of a certificate stating that the child has been so placed for adoption. 1965, c. 109, s. 2 (5).

Idem

(9) Where a child who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides in a school section and the appropriate supervisory officer certifies that there is sufficient accommodation in a school in that section for the current school year, the board of such section shall admit the child to such school upon the prepayment monthly by the corporation, society or person of a fee as provided in section 72 of *The Schools Administration Act*. R.S.O. 1960, c. 330, s. 6 (9); 1965, c. 109, s. 2 (6), amended.

R.S.O. 1970,
c. 424

Admission
of non-
resident
pupil, where
parent
assessed
in section

(10) Where a parent or guardian wishes to enrol his child in a public school in a school section, other than the one in which he resides, and he is assessed for public school purposes in that school section,

(a) as an owner; or

(b) for business assessment; or

(c) as an owner and for business assessment,

for an amount at least equal to the total assessment for public school purposes in that school section divided by the average daily attendance of resident pupils in the preceding year, the child shall be admitted to a public school by the board of that section without the payment of a fee.

(11) Where a child resides on land that is exempt from taxation for school purposes, he shall be admitted to a public school that is accessible to him and for which the appropriate supervisory officer has certified that there is sufficient accommodation for the current school year, and fees shall be paid in accordance with the regulations respecting the education of such pupils. R.S.O. 1960, c. 330, s. 6 (10, 11), *amended*.

Resident
on land
exempt from
taxation

(12) A public school board may by agreement with another public school board furnish education for the pupils of the other board and for that purpose may charge fees calculated in accordance with section 72 of *The Schools Administration Act*. R.S.O. 1960, c. 330, s. 6 (12); 1965, c. 109, s. 2 (7); 1968, c. 109, s. 1 (1).

Agreement
between
boards

R.S.O. 1970,
c. 424

(13) A public school board and a separate school board may enter into an agreement in respect of the provision of education in a school under the jurisdiction of the separate school board for pupils of the public school board in a course or courses that are not available in a school under the jurisdiction of the public school board or that are considered by the public school board to be not readily accessible to the pupils in respect of whom the agreement is made where,

Agreements
for education
of public
school pupils
in separate
school

- (a) the appropriate supervisory officer of the separate school board certifies that accommodation is available in such school for such pupils; and
- (b) the public school board pays a fee for each such pupil calculated in accordance with section 72 of *The Schools Administration Act*. 1970, c. 65, s. 1.

(14) Notwithstanding the other provisions of this section, where it appears to a board that a child who resides in the school section is denied the right to attend school without the payment of a fee, the board may admit the child from year to year without the payment of a fee. 1962-63, c. 117, s. 2.

Admission
without fee

(15) Where a resident pupil of a school division attends a public school in another school division under section 43 of *The Secondary Schools and Boards of Education Act*, the divisional board of which he is a resident pupil shall pay fees to the divisional board that operates the public school attended by the pupil, calculated in accordance with section 72 of *The Schools Administration Act*. 1968, c. 109, s. 1 (2).

Non-
resident
fees
R.S.O. 1970,
cc. 425, 424

6.—(1) Subject to the approval of the Minister, a board may enter into an agreement with another board providing,

- (a) for the construction, furnishing and equipping of one or more additional classrooms by one board to provide accommodation for pupils of the other board;
- (b) that the cost of providing such additional accommodation shall be borne and paid by such other board; and

Agreement
for pro-
vision of
additional
accommoda-
tion by
board for
pupils of
another
board

R.S.O. 1970,
c. 424

(c) notwithstanding section 72 of *The Schools Administration Act*, for the calculation and payment of fees in respect of such pupils.

Debentures
where cost
borne by
board not
providing
accommoda-
tion

(2) Where under an agreement the board that does not provide the additional accommodation is required to bear and pay the cost thereof, for the purposes of issuing municipal debentures, the additional accommodation shall be deemed to be a permanent improvement of such board.

Term of
agreement

(3) Every such agreement shall remain in effect for at least the term of the debentures issued in respect thereof unless terminated by the mutual consent of the parties to the agreement. 1965, c. 109, s. 3.

Religious
exercises

7.—(1) No pupil in a public school shall be required to read or study in or from a religious book, or to join in an exercise of devotion or religion, objected to by his parent or guardian.

Religious
instruction

(2) Subject to the regulations, pupils shall be allowed to receive such religious instruction as their parents or guardians desire. R.S.O. 1960, c. 330, s. 7.

Public
school
visitors

8.—(1) Judges, members of the Assembly, and members of municipal councils, are school visitors in the municipalities where they respectively reside, and every clergyman is a school visitor in the municipality where he has pastoral charge.

Powers of
school
visitors

(2) School visitors may visit public schools, may attend any school exercises, and at the time of a visit may examine the progress of the pupils and the state and management of the schools, and give such advice to the teachers and pupils and any others present, as they consider expedient. R.S.O. 1960, c. 330, s. 8.

School lands
granted be-
fore 1850
vested in
trustees for
school
purposes

9.—(1) All lands that before the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or municipality in which the lands are respectively situate, continue to be vested in such trustees, and continue to be held by them and their successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which the lands are now respectively held.

Disposal of
school lands
by boards

(2) Notwithstanding subsection 1, lands originally granted or conveyed by the Crown for common school purposes and held by the trustees of a school section or municipality may be leased, sold or otherwise disposed of with the approval of the Lieutenant Governor in Council and upon such conditions as to the investment or application of the proceeds or otherwise as may be

prescribed in the order granting the approval. R.S.O. 1960, c. 330, s. 9.

10.—(1) Where land, the use of which is restricted in any manner to school purposes, has been vested in a rural school board for at least fifty years, the board may apply to the Supreme Court to remove the restriction, and the Supreme Court may make such order on the application as it considers just.

Application
for removal
of restric-
tions on
use of land

(2) Where restrictions are removed from land under subsection 1 and the board offers the land for sale, it shall first offer the land at a reasonable price to the owner or owners of land abutting on the land offered for sale. 1964, c. 95, s. 2.

Sale of
lands

11.—(1) Where the land of any person is situate within the limits of two or more school sections, the parts so situate shall be assessed upon the assessment roll separately according to the divisions of the school sections within the limits of which the parts are situate.

Assessment
of land
in each
school
section

(2) All parts of a school section, except those parts of a township school area or district school area that are in territory without municipal organization, shall be adjoining. 1966, c. 129, s. 2.

Parts of
section to be
adjoining

12.—(1) Where, in the opinion of the Minister, it is desirable to establish and maintain a public school on lands held by the Crown in right of Canada or Ontario, or on any lands that are exempt from taxation for school purposes, the Minister may designate any portion of such lands as a rural school section, and may appoint as members of the board such persons as he considers proper.

Public school
on Crown
lands

(2) The board so appointed is a body corporate by the name indicated in the order establishing the rural school section and has all the authority of a board of public school trustees for the purposes of this Act. R.S.O. 1960, c. 330, s. 12.

Powers of
board

(3) No rural school section established under this section shall be included in a township school area or a school division. 1965, c. 109, s. 4, *amended*.

Section
not to be
included in
t. s. a. or
school division

13.—(1) A person is qualified to be elected as a public school trustee who,

Qualifica-
tions of
public
school
trustees

- (a) is a Canadian citizen;
- (b) is of the full age of twenty-one years;
- (c) is a resident in or within one mile of the school section;
and
- (d) is a ratepayer in the school section.

Disquali-
fications

(2) A person is not qualified to be elected as a public school trustee,

- (a) who is,
 - (i) a member of any other elementary or secondary school board, or
 - (ii) a member of the council of a municipality or county in which all or part of the school section is situate, or
 - (iii) an elected member of a local board of a municipality or county in which all or part of the school section is situate,

and whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be;

- (b) who is the clerk or treasurer of a municipality or county in which all or part of the school section is situate;
- (c) who is the husband or wife of a trustee of the same board;
- (d) who is otherwise disqualified under this or any other Act; or
- (e) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of the opening of the nomination meeting, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

Qualifica-
tion to act
as trustee

(3) A person is qualified to act as a public school trustee during the term for which he was elected so long as he continues to have the qualifications mentioned in subsection 1 and does not become disqualified under clauses *a* to *d* of subsection 2.

Persons
deemed
ratepayers

(4) The following persons shall be deemed ratepayers under clause *d* of subsection 1:

- (a) the husband or wife of a person assessed in a municipality as actual owner or tenant of land in the school section for an amount sufficient to entitle him or her to vote at municipal elections;

- (b) the son or daughter of a person assessed as the owner of a farm in the school section if he or she is resident on the farm with the assessed owner; and
- (c) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the school section if he or she resides on the farm with the assessed owner.

(5) For the purposes of subsection 4, “farm” means not fewer than twenty acres of land in the actual occupation of the owner thereof. 1966, c. 129, s. 8.

Interpretation

14. A board does not cease to exist by reason of the want of trustees. 1966, c. 129, s. 10.

Board not to cease for want of trustees

15.—(1) Every urban municipality is an urban school section unless it forms part of a school division. 1966, c. 129, s. 6, *amended*.

Urban municipality to be urban school section

(2) Every board in an urban municipality is a corporation by the name of “The Public School Board”, prefixing to the words “Public School Board” the name of the municipality for which the board is elected. R.S.O. 1960, c. 330, s. 27 (1).

Urban school board corporation

(3) Where an urban municipality becomes incorporated, the board having jurisdiction over the school property within the urban municipality before such incorporation shall, for the purposes of the public schools in the urban municipality, exercise all the powers and perform all the duties of a board of an urban municipality until a board is organized in such urban municipality. R.S.O. 1960, c. 330, s. 28.

First election of trustees

16.—(1) Except as provided in section 17, the trustees of a school board of an urban municipality shall be elected by a general vote of the electors for a term of two years with one-half of the trustees retiring each year. R.S.O. 1960, c. 330, s. 29 (1).

Election of trustees in urban municipality not divided into wards, by general vote

(2) The number of trustees on the board shall be determined by the population of the municipality as shown by the municipal census for the year preceding the year in which the election is held as follows, where the population was,

Number of trustees on board

- (a) less than 10,000, six trustees;
- (b) 10,000 or more but less than 50,000, eight trustees;
- (c) 50,000 or more but less than 100,000, ten trustees;
- (d) 100,000 or more, twelve trustees. R.S.O. 1960, c. 330, s. 29 (2); 1965, c. 109, s. 9 (1).

Change in
number of
trustees

(3) Where it becomes evident from the census of a municipality that the number of trustees on a school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized. 1960-61, c. 82, s. 3; 1965, c. 109, s. 9 (2).

Urban
municipality
divided into
wards

17.—(1) A school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, one of whom shall retire each year, elected by the electors of that ward.

Where five or
more wards

(2) A school board of an urban municipality that is divided into five or more wards may be composed of one trustee for each ward elected by the electors of each ward for a term of two years.

Change from
election by
wards to
general vote

(3) The composition and election of a school board of an urban municipality that is elected as provided in subsection 1 or 2 may be changed to that provided in section 16. 1961-62, c. 120, s. 6.

Method of
changing
composition
and
election
of board

18.—(1) The composition and election of a board of an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 17 to that provided in any other subsection in that section provided that,

- (a) a resolution for a change is supported by a majority of the trustees of the board and is approved by resolution by the council of the municipality before the 1st day of July in any year; or
- (b) where such a resolution for a change is not approved by the council before the 1st day of July, the board may require the council to submit the resolution to the electors at the next municipal election.

Where
change
involves
township
area
board or
board of
education

(2) Where a township area board is to be established to replace more than one public school board or where a board of education is to be established to replace a public school board or a board of education is to be dissolved and replaced by a public school board, the trustees required to support a resolution under clause *a* of subsection 1 shall be the elected trustees in the municipality and, where there is more than one public school board concerned, any such board may require council to submit a resolution to the electors under clause *b* of subsection 1. R.S.O. 1960, c. 330, s. 31 (1, 2).

Election
of new
board after
change

(3) At the election following the passing of the resolutions by the board and council or following an affirmative vote of a majority of the electors who voted on the resolution, as the case may be, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized. 1960-61, c. 82, s. 4.

(4) A change in the method of election may not be made under this section unless, Limitations on changing method of election

- (a) the board has been elected in its present form for a period of four years; or
- (b) a board of education is being established or a public school board is being established following the dissolution of a board of education. R.S.O. 1960, c. 330, s. 31, (4).

19.—(1) At the first election of the trustees of an urban school board and at the first election of trustees held after a change in the composition of the board, where one-half of the trustees of the board are to retire at the end of the first year, Determination of retirement of trustees

- (a) in the case of an election by general vote, the elected trustees who received the lowest number of votes shall retire at the end of the first year; and
- (b) in the case of an election by wards, the elected trustee who received the lowest number of votes in each ward shall retire at the end of the first year,

and, in the case of a tie vote or of an acclamation, the clerk of the municipality shall determine the order of retirement by lot. R.S.O. 1960, c. 330, s. 32.

(2) Every trustee of an urban school board shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 48 of *The Schools Administration Act*. 1961-62, c. 120, s. 7. Trustee in office until organization of new board R.S.O. 1970, c. 424

20. Every person is entitled to vote at the election of trustees and on public school matters in an urban school section whose name is entered on the last revised voters' list as being entitled to vote at municipal elections in the municipality or the part thereof included in the urban school section except persons who are assessed as supporters of separate schools and persons who are entered on such voters' list by reason of being the wife or husband of a person assessed as a supporter of separate schools. 1966, c. 129, s. 17. Voters in urban school section

21.—(1) The board of an urban municipality shall be elected by ballot, and the election shall be held at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of *The Municipal Act* respecting the time and manner of holding the election, including the mode of receiving nominations for office and the resignation of persons nominated, *mutatis mutandis* apply to the election. Election by ballot R.S.O. 1970, c. 284

Ballots

(2) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions, containing the names of the candidates in the same form *mutatis mutandis* as those used for aldermen or councillors, and a ballot shall be delivered only to a person who is a supporter of the public schools under the jurisdiction of the board to which the candidate is seeking election.

Idem

(3) In no case shall a ballot be delivered to any person who is entered on the list of voters as a separate school supporter or by reason of being the wife or husband of a separate school supporter. R.S.O. 1960, c. 330, s. 34.

Vacancies
in urban and
township
area boards

22.—(1) Subject to subsection 3, where a vacancy occurs from any cause in an urban school board or a township school area board and the remaining trustees constitute a majority of the membership of the board, a majority of the remaining trustees shall, at the first regular meeting after the vacancy occurs, elect some qualified person to fill the vacancy and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of the meeting has a second or casting vote.

Idem

(2) Subject to subsection 3, where a vacancy occurs from any cause in an urban school board or a township school area board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected, and, where at any such election any vacancy is for a longer term than the remaining vacancy or vacancies, the candidate having the largest number of votes at the election shall fill the vacancy for the longer term, and in case of a tie the clerk of the municipality shall determine the order of retirement by lot.

Idem

(3) In the case of an urban school board or a township school area board,

- (a) any vacancy that occurs within one month of the time for the next ensuing election shall not be filled in the manner provided by subsection 1 or 2, but the office shall remain vacant until the election, and if the term of the vacant office then expires a new trustee shall be elected, or if the term does not then expire some duly qualified person shall be elected at the election to fill the vacancy for the remainder of the term;
- (b) any vacancy that occurs after the election but before the new board is organized shall be filled immediately after the new board is organized in the manner provided in subsection 1 or 2, as the case may be;

- (c) where there are a number of vacancies and the vacancies are for terms of different lengths, the vacancies for the longer terms shall be filled by the candidates having the most votes;
- (d) where the number of candidates who are nominated is the same as the number of vacancies, and the terms differ, the clerk of the municipality shall determine the order of retirement by lot. R.S.O. 1960, c. 330, s. 35 (2-4).

(4) Where the appropriate supervisory officer reports that no persons duly qualified are available or that the electors have failed to elect trustees, the Minister may appoint as members of the board such persons as he considers proper, and the persons so appointed have all the authority of a board as though they were eligible and duly elected according to this Act. R.S.O. 1960, c. 330, s. 35 (5), *amended*.

Appoint-
ment of
trustees on
failure of
qualified
persons

23.—(1) Every complaint respecting the validity or mode of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a township school area board has been established shall be made to the judge of the county or district court within twenty days after the election, and he shall, within a reasonable time, in a summary manner hear and determine the complaint, and may cause the assessment rolls, collector's rolls, poll books and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit, and may cause such persons as he considers expedient to appear before him and give evidence. R.S.O. 1960, c. 330, s. 37 (1); 1966, c. 129, s. 20 (1).

Controverted
elections,
investigation
of complaints
by judge

(2) The judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed, and if the judge determines that any other person was duly elected he may order such person to be admitted, and, where a recount results in two or more candidates having an equal number of votes, the judge shall certify the result to the secretary of the board, and he shall in all cases report his decision to the secretary of the board. R.S.O. 1960, c. 330, s. 37 (2); 1965, c. 109, s. 10 (1).

Powers of
judge

(3) Section 143 of *The Municipal Act* applies *mutatis mutandis* to every election of trustees in an urban municipality or in a township for which a township school area board has been established and to any proceeding relating to such election. R.S.O. 1960, c. 330, s. 37 (3); 1966, c. 129, s. 20 (2), *amended*.

Application
of R.S.O.
1970, c. 284,
s. 143

Where
recount
necessary
because of
tie vote

(4) If, upon the casting up of the votes, two or more candidates have an equal number of votes where both or all of such candidates cannot be elected, the clerk of the municipality shall publicly declare the result and put up in a conspicuous place a statement under his hand showing the number of votes for each candidate, and shall forthwith notify the judge of the county or district court of the result, and such notification shall be deemed to be a complaint under subsection 1.

When
secretary
to give
casting
vote

(5) Upon the result of a recount being certified to him showing that two or more candidates have an equal number of votes, the secretary shall forthwith after receiving the certificate give a casting vote for one or more of the candidates or provide for the drawing of lots to decide the election.

Where
sufficient
number of
candidates
not declared
elected to
organize
newly-
created
board

(6) Where a secretary has not been appointed because a new board has been created but cannot be organized because of an equality of votes of two or more candidates, the clerk of the municipality or, where there is more than one municipality in the school section, the clerk of the municipality having the greatest assessment shall be deemed to be the secretary for the purposes of subsections 2 and 5. 1965, c. 109, s. 10 (2).

Bribery
and undue
influence
R.S.O. 1970,
c. 284

24. The provisions of *The Municipal Act* as to bribery and undue influence apply to the election of trustees, and, in every case in which an election is complained of on those grounds, the inquiry in reference thereto shall be by oral testimony only. R.S.O. 1960, c. 330, s. 38; 1966, c. 129, s. 21, *amended*.

Improvement
district
in township
school area

25.—(1) Where an improvement district that does not elect public school trustees is included in a township school area that includes one or more other municipalities or a part or parts thereof, it shall, subject to subsection 2, for the purposes of the election of trustees and of voting on school matters and for determining representation on the board of the township school area, be attached to the municipality, all or part of which is included in the area, with which it has the greatest common boundary, and the secretary-treasurer of the improvement district shall, before an election for such trustees is to be held in any year, prepare and send to the clerk of such municipality a list, signed by him and attested by his declaration, of all persons appearing by the then last revised assessment roll to be entitled to vote on public school matters in the improvement district. 1966, c. 129, s. 22, *part*; 1968, c. 109, s. 4 (1).

Idem

(2) Where the improvement district has the same length of boundary with two or more municipalities or has no common boundary with a municipality, it shall, for the purposes of subsection 1, be attached to the municipality having the greatest assessment for public school purposes. 1966, c. 129, s. 22, *part*; 1968, c. 109, s. 4 (2).

26.—(1) Every township in the territorial districts is a township school area unless it forms part of a school division. 1964, c. 95, s. 6, *part, amended*.

All townships to be township school areas

(2) In the territorial districts, the council of a township that forms all or part of a township school area may, by a bylaw passed before the 1st day of July in any year,

Alteration of areas in territorial districts

- (a) add all or part of a school section in territory without municipal organization to the township school area; or
- (b) add all of an urban school section, except a city, to the township school area; or
- (c) detach any portion of the township school area and attach such portion to another township school area,

if consent thereto has been given by a resolution passed within ninety days of the passing of the by-law, in the case of a school section in territory without municipal organization, by the board of the school section and, in other cases, by the councils of the other municipalities concerned. 1965, c. 109, s. 11 (1), *part*; 1966, c. 129, s. 23 (2), *amended*.

(3) A by-law passed under subsection 2 comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister. 1965, c. 109, s. 11 (1), *part*.

Effective date of by-law

(4) Where,

- (a) a part of a township school area is incorporated as a municipality, the municipality so incorporated shall continue to form part of the township school area; or
- (b) parts of two or more township school areas are incorporated as a municipality, the municipality so incorporated shall form part of the township school area that surrounds it or with which it has the greatest length of common boundary. 1965, c. 109, s. 11 (2), *amended*.

Newly-incorporated municipalities

(5) All rights and claims arising under this section shall be adjusted as provided in section 30. 1964, c. 95, s. 6, *part*.

Adjustment of claims

(6) Every township school area that is formed or continued by this section may be altered or dissolved in accordance with this Act. 1967, c. 82, s. 5 (2), *amended*.

Alteration of school areas continued by this section

(7) A by-law of a municipality for altering a school section is valid and binding, notwithstanding any defect in substance or form or in the manner or time of passing or making, unless an application to quash the by-law has been made within one month after the clerk of the municipality has received notice from the Minister that he has approved the by-law. 1966, c. 129, s. 47 (5), *amended*.

By-laws valid unless application to quash made

Board of
township
school area

27.—(1) There shall be a board of five public school trustees for every township school area. 1966, c. 129, s. 24 (1), *amended*.

Where
township
divided
into wards

(2) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be that provided for a school board of an urban municipality that is divided into wards, provided that any change in the composition and election of the board shall be made in the manner provided in section 18, which section applies *mutatis mutandis*. 1964, c. 95, s. 6, *part*.

Election
by ballot

(3) The election of trustees for a township school area under subsection 1 shall be by ballot in accordance with section 21. 1966, c. 129, s. 24 (1), *part*.

Where part
of another
township
attached
for voting
purposes

(4) Where a township school area includes only the whole of one township and part or parts of one or more other townships such part or parts shall, for the purposes of the election of trustees and of voting on school matters, be attached,

- (a) to the township the whole of which is included in the township school area; or
- (b) where the election is by wards, to the ward of the township the whole of which is included in the township school area with which it has the greatest common boundary,

and the clerk of the township in which such part is situate shall furnish annually to the clerk of the township to which such part is attached a certified copy of the list of voters qualified to vote on public school matters in that part of the township. 1966, c. 129, s. 24 (2).

Term of
office

(5) Of the trustees elected at the first election, the three trustees receiving respectively the highest, second highest and third highest number of votes shall hold office for two years, and the two remaining trustees shall hold office for one year.

Subsequent
elections

(6) After the first election, an election shall be held in each year to fill the places of trustees whose terms of office have expired, and the trustees elected shall hold office for two years.

Equality of
votes at
first election

(7) In case, at the first election of trustees, two or more trustees receive an equal number of votes, or all the trustees are declared elected by acclamation, the clerk of the municipality shall determine which of such trustees shall hold office for two years, and the clerk shall notify the board in writing of his determination, which shall be entered in the minutes of the board. 1964, c. 95, s. 6, *part*.

Term of
office of
trustees

28.—(1) The trustees of every township school area shall hold office until their successors are elected and a new board is organized. 1964, c. 95, s. 6, *part*.

(2) Every township school area is an urban school section. 1966, c. 129, s. 26 (2), *amended*.

Township school area urban section

(3) Every board of trustees of a township school area that does not include an urban municipality is a corporation by the name of "The Public School Board of the Township School Area of (*insert name of municipality, or, where more than one municipality is included in the area, insert name selected by the board and approved by the Minister*)". 1967, c. 82, s. 7 (1), *part*.

Corporate name

(4) Upon the election and organization of a board of public school trustees for a township school area, the board of public school trustees for every school section then in existence in the township school area is dissolved, and all the real and personal property vested in the board of any such school section is vested in and becomes the property of the board of the township school area.

Vesting of real and personal property in board of township school area

(5) The board of the township school area is responsible for and shall discharge all liabilities and obligations of each of the school sections included in the township school area, and the indebtedness of the board of any school section shall be provided for by a general rate levied upon all property liable to taxation for public school purposes in the township school area. 1964, c. 95, s. 6, *part*.

Board responsible for obligations of each school in township school area

(6) All the powers and duties of the board of a school section that becomes part of a township school area are vested in and imposed upon the board of the township school area. 1964, c. 95, s. 6, *part*.

Powers and duties

29.—(1) The appropriate supervisory officer may, before the 1st day of July in any year, with the approval of the Minister and the consent of the boards concerned, form into a township school area,

Township school areas in unorganized territory

- (a) two or more school sections or parts thereof in territory without municipal organization; or
- (b) one or more school sections or parts thereof in territory without municipal organization and one or more improvement districts, with the consent of the board of each improvement district concerned,

and may include any other part of territory without municipal organization therein or decrease or increase the area thereof. 1968, c. 109, s. 6, *amended*.

(2) The formation of the township school area shall take effect as from the 1st day of January next following the approval of the Minister, but the boards of trustees of the rural school sections shall continue in office until a board for the township school area has been elected and organized as provided by this section.

Effective date

Constitution
of board

(3) There shall be a board of five public school trustees for every such township school area and the board may exercise such powers and perform such duties with respect to the public schools of the area as a board constituted under section 26.

First
election

(4) The first meeting of the ratepayers for the election of trustees shall be held at a time and place to be named by the appropriate supervisory officer, and shall be conducted as nearly as may be in the same manner as the election of trustees in a rural school section.

Subsequent
elections;
powers and
duties

(5) All subsequent elections of school trustees for the township school area shall be by ballot, and the board of trustees of the area shall exercise all the powers and may perform all duties of a municipal council in relation to the nomination and election of trustees and the collection of taxes for the township school area.

Incorporation

(6) Every board of trustees of a township school area formed under this section is a corporation by the name of "The Public School Board of the Township School Area of" (*inserting the name selected by the appropriate supervisory officer and approved by the Minister*). R.S.O. 1960, c. 330, s. 41 (2-6), *amended*.

Application
of ss. 26, 28,
31-42

(7) For the purposes of township school areas formed under this section, and except as to matters provided for in this section, sections 26, 28 and 31 to 42 apply *mutatis mutandis*. R.S.O. 1960, c. 330, s. 41 (7); 1966, c. 129, s. 27; 1967, c. 82, s. 8.

Adjustment
of claims

30.—(1) All rights and claims between parts of a municipality or municipalities comprising the several school sections united into a township school area or added to or detached from a township school area shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Minister after his approval of the by-law or by-laws establishing, altering or dissolving the township school area. R.S.O. 1960, c. 330, s. 42 (1); 1962-63, c. 117, s. 6.

Powers of
Minister
and referee

(2) The Minister and any referee appointed by him have and may exercise such jurisdiction and powers as may be necessary for the purpose of the valuation, adjustment and determination of all or any of such rights and claims.

Referee,
hearing by,
report and
remuneration

(3) A referee appointed under this section shall proceed to hear and report to the Minister upon such rights and claims as the Minister may from time to time direct, and he shall submit his report to the Minister within three months of his appointment or within such further time as the Minister may allow, and he shall be paid for his services such fee as the Minister may direct.

Consideration
of
report by
Minister

(4) Upon the report of the referee being filed with him, the Minister shall consider the report and may hear such representations in respect thereof as he may see fit, and before adopting the

report he may refer it back to the referee for his further consideration. R.S.O. 1960, c. 330, s. 42 (2-4).

(5) The Minister may adopt, vary or amend the report and, subject to subsection 6, his decision is final and not open to question or appeal and is binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby. R.S.O. 1960, c. 330, s. 42 (5); 1961-62, c. 120, s. 10 (1). Decision of Minister

(6) Where the auditor's annual report for the year in which the by-law establishing, altering or dissolving the township school area was passed reveals a condition that was not evident when the referee made his report, the referee may submit a supplementary report in the manner provided for the original report, and the Minister may adopt, vary or amend the supplementary report, and his decision is final and not open to question or appeal and is binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby. 1961-62, c. 120, s. 10 (2). Supplementary report

(7) The council of each municipality, all or a portion of which is included in a township school area, shall annually impose and levy such special rates against the rateable property in the municipality, that is within the township school area, as may be directed by the Minister for the purpose of adjusting any rights and claims determined under this section. R.S.O. 1960, c. 330, s. 42 (6). Special rates for adjusting claims

(8) For the purpose of evaluating, adjusting and determining all rights and claims between school sections within township school areas formed under section 29, subsections 1 to 7 apply *mutatis mutandis*. R.S.O. 1960, c. 330, s. 42 (7), *amended*. Adjustment of claims in certain areas

(9) Where there is a debenture debt for public school purposes in a school section when the boundaries of the school section are altered, and property taxable for public school purposes included therein is, by reason of such alteration, attached to another school section, the referee appointed to adjust the rights in respect of such alteration may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the referee. 1966, c. 129, s. 28. Liability for debenture debt on alteration of boundaries of school section

31.—(1) Subject to the approval of the Minister, the appropriate supervisory officer may form any part of territory without municipal organization into a rural school section. R.S.O. 1960, c. 330, s. 56 (1); 1966, c. 129, s. 35 (1), *amended*. Rural school sections in territory without municipal organization

(2) The school section shall not exceed thirty-six square miles in area and, subject to this restriction, the boundaries may, with the approval of the Minister, be altered by the appropriate supervisory officer from time to time. R.S.O. 1960, c. 330, s. 56 (2), *amended*. Limits of section, alterations

Liability for debenture debt where land transferred from one section to another	(3) On the petition of the head of a family who has a child attending school and who lives in one school section on land contiguous to another school section, the appropriate supervisory officer, if he is of the opinion that it is more convenient for the child to attend the school in the other section, may alter the boundaries of the sections so as to transfer such land from one section to the other, and, where there is a debenture debt for public school purposes in the section from which the land is transferred, the supervisory officer may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the supervisory officer. 1965, c. 109, s. 18 (1), <i>amended</i> .
Effective date of alterations	(4) Any alteration of the boundaries of a school section under this section takes effect on the 1st day of January. R.S.O. 1960, c. 330, s. 56 (4).
Election of school trustees	(5) After the formation of a school section, the supervisory officer shall cause notices to be posted, for at least six clear days in not fewer than three public places in the section, appointing a time and place for the first meeting of property owners and tenants, who are not separate school supporters, for the election of three trustees for the section, and the supervisory officer may take such additional action to publicize the meeting as he considers expedient. 1965, c. 109, s. 18 (2), <i>amended</i> .
Persons not British subjects not entitled to vote	(6) A person who is not a British subject is not entitled to vote at an election of trustees or upon any school question in a rural school section. 1966, c. 129, s. 35 (2).
Trustees' powers and obligations	(7) The trustees elected at such meeting or at any subsequent school meeting of the school section have the powers and are subject to all the obligations of public school trustees, and may at any time after their election take the proper steps, in accordance with this Act, to raise funds for and purchase a school site and erect school buildings and provide equipment for the school.
Trustees to be corporation, name	(8) The trustees are a corporation and, where the school section includes part or all of one or more unorganized townships, shall be known as "The Public School Board of School Section No. of the unorganized Townships of in the Territorial District(s) of (<i>inserting a number selected by the appropriate supervisory officer, the name of the township in which the school site is located, the names of other townships in alphabetical order and the name(s) of district(s))</i> " and, where the school section includes only unsurveyed territory, shall be known as "The Public School Board of in the Territorial District(s) of (<i>inserting a name selected by the appropriate supervisory officer and the name(s) of the district(s))</i> ". R.S.O. 1960, c. 330, s. 56 (6, 7), <i>amended</i> .

32.—(1) At the first election in every new rural school section, the first trustee elected shall hold office for three years, the second for two years, and the third for one year, or in case of a poll being taken the trustee receiving the highest number of votes shall hold office for three years, the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year.

Elections
in new
rural
school
sections

(2) Where two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected.

Determina-
tion where
equal
number
of votes

(3) The first year in each case shall be deemed to commence at the date of such first election and extend until the date fixed by section 33 for holding the second annual meeting of ratepayers thereafter. 1966, c. 129, s. 36, *part.*

When first
year
deemed to
commence
and end

33.—(1) A meeting of the electors of every rural school section for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December, or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines, or, in the absence of such resolution, at the schoolhouse of the rural school section.

Annual
meeting,
in rural
school
sections,
when held

(2) Where the annual meeting of electors cannot conveniently be held as provided for in subsection 1, the electors, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting, and, upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter, unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved.

Idem

(3) When any school meeting has not been held on the proper date, the supervisory officer, or any two electors in the section, may call a meeting of the electors by giving six clear days notice, to be posted up in at least three of the most public places in the rural school section, and the meeting so called has all the powers and shall perform all the duties of the meeting in the place of which it is called.

Meeting to
be called in
default of
first or
annual
meeting

(4) The electors present at a school meeting shall elect one of their number as chairman and shall appoint a secretary who shall record the minutes of the meeting and perform such other duties as are required of him by this Act.

Organiza-
tion of
meeting

(5) The chairman shall submit all motions to the meeting in the manner desired by the majority and is entitled to vote on any

Chairman,
duties of

motion, and in case of a tie the motion shall be declared to be negatived, and he shall decide all questions of order, subject to an appeal to the meeting.

Order of
business

(6) The business of every school meeting may be conducted in the following order:

1. Receiving and disposing of the annual report of the trustees.
2. Receiving a report from the trustees on the insurance on the buildings and equipment.
3. Receiving and disposing of the last annual report of the municipal auditor.
4. Where the ratepayers have provided for a local audit, receiving and disposing of the report of the local auditors.
5. If considered necessary, providing for a local audit and the election of a local auditor for the ensuing year.
6. Miscellaneous business.
7. The election of trustees.

Special
meeting,
when to
be held

(7) Where a special meeting of the electors of a rural school section is called, the meeting shall be held at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock in the afternoon or 8 o'clock in the afternoon, at such place as the board shall by resolution determine, or in the absence of such resolution, at the schoolhouse of the rural school section.

Vacancies
on board

(8) Where a vacancy occurs from any cause in the office of trustee, the remaining trustees shall forthwith hold a new election to fill the vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected. 1966, c. 129, s. 36, *part*.

Where one
trustee or
no trustees

(9) If at any time there are no trustees or only one trustee, any two electors of the rural school section, or the appropriate supervisory officer, by giving six days notice posted up in at least three public places in the rural school section, may call a meeting of the electors who shall elect three or two trustees, as the case may be, in the manner provided in this section. 1966, c. 129, s. 36, *part*, *amended*.

When tie
vote

(10) When, at a regular annual meeting or at a special meeting called to fill a vacancy or vacancies, two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for

the drawing of lots to determine which of the candidates is elected. 1966, c. 129, s. 36, *part*.

34.—(1) A poll may be demanded by any two electors at a meeting for the election of trustees or for the settlement of any school question in a rural school section, and the poll shall be granted by the chairman forthwith if demanded within ten minutes after the result of a vote has been declared by the chairman.

Granting
poll in rural
school
section

(2) Where a poll is granted, the secretary shall enter in a poll book the name and residence of each elector offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper.

Entry in
poll book

(3) Ballot papers shall be pieces of plain white paper of uniform size.

Form of
ballot paper

- (4) A voter shall mark his ballot,
- Marking
of ballot
paper
- (a) in the election of a trustee, by marking the name of the trustee thereon; and
 - (b) on a question, by marking the word “for” or “against” thereon.

(5) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose that is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container that has been placed and is kept upon a table for the purpose.

Manner of
voting

(6) Every candidate may appoint a person to act as his scrutineer during the election.

Appoint-
ment of
scrutineer

(7) If objection is made to the right of any person to vote, the chairman, if the name of the person appears on the assessment roll, shall require the person to make the following declaration:

Right
to vote
objected to

1. I, A.B., declare and affirm that I am an assessed ratepayer in rural school section.; *or* that I am the wife *or* husband of an assessed ratepayer in rural school section.;
2. That I am of the full age of twenty-one years;
3. That I am a British subject;
4. That I am a supporter of the public school in rural school section; *or* that I am the wife *or* husband of a supporter of the public school in rural school section.;
5. That I have a right to vote at this election (*or* on the question submitted to this meeting),

and after making such declaration the person making it is entitled to vote.

When poll shall close

(8) The poll shall not close before noon, but may close at any time thereafter when a full hour elapses without any vote being polled, and shall not be kept open later than 4 o'clock in the afternoon.

Polling at evening meeting

(9) When the meeting is held in the evening, the electors may decide, by resolution, that the poll shall be conducted forthwith or at 10 o'clock on the following morning, and, if conducted in the evening, the poll shall close after ten minutes have elapsed without any vote being recorded.

Counting votes, determination in case of tie

(10) When a poll is closed, the secretary shall count the votes and,

- (a) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and
- (b) in the case of a tie vote on a question, the vote shall be deemed to be negative.

Declaration of result

(11) In the case of an election of trustees, the chairman shall declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the question adopted or negatived as the majority of votes is in favour of or against the question. 1966, c. 129, s. 36, *part*.

Copy of minutes and of poll book to appropriate supervisory officer

(12) A correct copy of the minutes of every school meeting and a copy of the poll book, where a poll has been taken, all of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the appropriate supervisory officer. 1966, c. 129, s. 36, *part, amended*.

Statement of result of vote

(13) A statement of the result of the vote shall be certified by the chairman and secretary and, in the case of an election of trustees, the statement shall be signed by any scrutineers present at the counting of the ballots, and a copy thereof shall be delivered or mailed to each candidate.

Acceptance of office of trustee

(14) Every person upon receiving notice that he has been elected trustee shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the election. 1966, c. 129, s. 36, *part*.

Complaints as to elections

(15) Where complaint is made to the appropriate supervisory officer by an elector that the proceedings for the election of a trustee or that the proceedings or any part thereof of a school meeting have not been in conformity with this Act, the supervisory officer shall investigate the complaint and confirm the election or proceedings if found to be in substantial accordance with this

Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the supervisory officer within twenty days after the holding of the election or meeting, and it is not incumbent upon the supervisory officer to set aside such election or any proceeding for want of formal compliance with this Act if he is satisfied that the result of such election or proceeding has not been affected thereby. 1966, c. 129, s. 36, *part, amended*.

- 35.**—(1) It is the duty of the secretary of a rural school section,
- (a) to call a special meeting of the board at the request in writing of two trustees or of five electors, specifying the objects for which the meeting is to be held, and to state the objects of the meeting in the notice calling the meeting;
Duties of secretary of rural school section: calling special meetings
 - (b) to give notice in writing, before the 15th day of January in each year, to the appropriate supervisory officer of the names and post office addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes;
names and addresses of trustees and teachers to be given to supervisory officer
 - (c) to give the notice required by this Act of each annual meeting of the ratepayers of the rural school section, to call a special meeting of the ratepayers when directed by the board, or, on the request in writing of five electors, for filling any vacancy in the board, for the selection of a new school site, or the appointment of a school auditor, or for any other lawful school purpose, and to cause notices of the time and place and of the objects of the meeting to be posted up in three or more public places in the rural school section at least six clear days before the time of holding the meeting; and
notice of annual meeting and meetings to fill vacancies in board, etc.
 - (d) to cause to be prepared for the annual meeting of the ratepayers a report for the year then ending, to be signed by the trustees and by either or both of the auditors of the rural school section, containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during the year and any further information that may be required by the Minister or by the regulations.
report at annual meeting

(2) Where the secretary of a rural school section is a trustee, the board may pay only such compensation for his services as is approved by the electors at an annual or special meeting of electors. 1966, c. 129, s. 36, *part, amended*.
Compensation of secretary who is also trustee

Local
auditors of
rural schools
R.S.O. 1970,
c. 284

36.—(1) In addition to the audit required under *The Municipal Act*, the ratepayers of a rural school section at an annual or special meeting held before the 15th day of December may provide for a local audit of the school accounts, and, when a local audit is provided for, there shall be two auditors, one of whom shall be elected by the ratepayers and the other appointed by the school board before the 15th day of December.

Filling
vacancies

(2) Where an auditor refuses or is unable to act or dies, another auditor may be elected or appointed in his place.

Appoint-
ment by
supervisory
officer

(3) If from any cause at any time after the 1st day of December there are not two auditors willing, able and authorized to act, the appropriate supervisory officer on the written request of any two ratepayers shall appoint one or both auditors as the case may require.

Trustees and
secretary-
treasurer
to lay
accounts,
etc., before
auditors

(4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer and each of them shall afford to the auditors all the information in his or their power as to the receipts and expenditures that the auditors or either of them may require.

Time of
audit

(5) The auditors, or one of them, shall on or immediately after the 1st day of December in each year appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the rural school section.

Duties of
auditors

(6) It is the duty of the auditors to examine into and decide upon the accuracy of the accounts of the rural school section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts with a full report thereon at the next annual school meeting.

Differences
between
auditors

(7) Any difference of opinion between the auditors on any matter in the accounts shall be decided by the appropriate supervisory officer.

Report of
objection

(8) If both auditors object to the lawfulness of any expenditure, they shall report the matter to the annual meeting and shall submit such matter to the Minister, whose decision is final.

Powers of
auditors

(9) The auditors or either of them may require the attendance of all persons interested in the accounts, and of their witnesses, with such books, papers and documents as the auditor or auditors may direct, and may administer oaths to such persons and witnesses.

May com-
plete audit
after time
prescribed

(10) An auditor who has entered upon an audit may complete the audit although he has not done so within the time prescribed by this Act. 1966, c. 129, s. 36, *part*.

37. The appropriate assessor under *The Assessment Act* for a rural school section that comprises only territory without municipal organization shall prepare an assessment roll for the school section and the provisions of that Act apply *mutatis mutandis* and any reference in that Act to a municipality or the council thereof shall be deemed to be a reference to the school section or the board thereof and any reference therein to the clerk of the municipality shall be deemed to be a reference to the secretary of the board of the school section. R.S.O. 1960, c. 330, ss. 57, 58, *amended*.

Assessment
R.S.O. 1970,
c. 32

38.—(1) The board of a school section that comprises only territory without municipal organization shall exercise for the territory included in the section the powers and duties of a municipal council with respect to,

Powers of
boards re
levying of
rates, etc.

- (a) preparing estimates of the sums required during the year, levying rates, and collecting taxes for public school purposes and, in accordance with the regulations, for community recreation purposes; and
- (b) issuing debentures for public school purposes. 1968, c. 109, s. 7.

(2) The tax collector appointed by the board for the territory without municipal organization has the same powers as a tax collector in a municipality. 1961-62, c. 120, s. 14, *part*.

Powers of
tax collector

39. In the first year in which territory without municipal organization is included in a school section, the rates for that year shall be levied on the assessment made in that year. 1961-62, c. 120, s. 14, *part*.

Rates for
first year
levied on
current
assessment

40.—(1) Where any part of territory without municipal organization forms part of a school section that includes part or all of one or more organized municipalities, such part of the territory without municipal organization shall for public school purposes be deemed to be annexed to the organized municipality that has the greatest assessment for public school purposes in the school section, and the officers thereof shall collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the territory without municipal organization forming part of the school section as with respect to any part of the school section that lies within the organized municipality. R.S.O. 1960, c. 330, s. 59 (1), *amended*.

Assessment
of part of
unorganized
territory in
a school
section that
includes an
organized
municipality

(2) The council of the organized municipality in preparing the estimates of the sums required to be raised by assessment and taxes under this section with respect to the part of territory without municipal organization that forms part of such a school section shall,

Estimates to
include
expenses of
collection,
etc., and
allowances
to be made

- (a) make allowance for the abatement of and discount on taxes, for uncollectable taxes and for taxes that it is

estimated will not be collected during the year in such part of the territory without municipal organization;

- (b) include the proper proportion of the salaries and expenses of the officers making the assessments and collecting the taxes having regard to the ratio that the assessment in that part of the territory without municipal organization bears to the total assessment of the whole section; and
- (c) include the cost of providing polling places in such territory. R.S.O. 1960, c. 330, s. 59 (2); 1967, c. 82, s. 10.

Issuing debentures for permanent improvements

R.S.O. 1970, c. 284

Signing and sealing debentures

Appointment and duties of school collector

Powers and liabilities of school collector

Return of arrears of taxes in unorganized territory

41.—(1) In territory without municipal organization, the board of a school section may issue debentures for permanent improvements for such amounts and for such term of years, not exceeding thirty, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided in *The Municipal Act*, provided that the issue of the debentures has been sanctioned at a special meeting of the ratepayers of the section. R.S.O. 1960, c. 330, s. 60 (1); 1961-62, c. 120, s. 15.

(2) The debentures shall be signed by the trustees and sealed with the corporate seal of the board, and are a charge upon the taxable property of the public school supporters of the section. R.S.O. 1960, c. 330, s. 60 (2).

42.—(1) The board of a school section may appoint some competent person, who may be a member thereof, to collect the rates imposed by them upon the ratepayers of the section, or the sums that the inhabitants or others may have subscribed, and may pay the collector at the rate of not more than 10 per cent on the moneys collected by him, and every collector shall give security satisfactory to the board, and the security shall be lodged for safe keeping with the appropriate supervisory officer. R.S.O. 1960, c. 330, s. 61 (1); 1960-61, c. 82, s. 6, *amended*.

(2) A collector has the same powers in collecting the school rate or subscriptions, and is under the same liabilities and obligations and shall proceed in the same manner in the school section, as a township collector in collecting rates in a township.

(3) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return with the year for which the rates so in arrear were imposed.

(4) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector. Entry in sheriff's book

(5) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him. Payments of arrears thereafter

(6) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board. When arrears to be paid to sheriff

(7) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect the same by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality. R.S.O. 1960, c. 330, s. 61 (2-7). Sale of land for arrears

(8) Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a school section, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the school section, and all the powers and duties of the sheriff in respect of tax arrears are vested in the treasurer of the board. 1962-63, c. 117, s. 8. Where tax arrears procedures of R.S.O. 1970, c. 118 in effect

43.—(1) When, in a school term, the number of public school pupils of compulsory school age residing in a school section in territory without municipal organization is fewer than ten and the board has ceased to operate a school, the appropriate supervisory officer may, with the approval of the Minister, declare that the school section is inactive as of the last day of that school term. Inactive school section in unorganized territory

(2) When a school section in territory without municipal organization is declared to be inactive, the board shall liquidate its assets, settle its accounts and have them audited and forward to the Minister the audited statement of accounts, the auditor's report and the balance of the funds for deposit in the Consolidated Revenue Fund for safekeeping. Funds of board deposited in Con. Rev. Fund

Dissolution
of board

(3) If the Minister is satisfied that the board has carried out its duties under subsection 2, he shall dissolve the board. 1962-63, c. 117, s. 9 (1-3).

Records;
pupils

(4) The records of the inactive school section shall be filed in the office of the appropriate supervisory officer and, for the purposes of this Act, the pupils resident in the inactive school section shall be deemed not to reside in a school section.

School
section
declared
active

(5) Where ten or more children of compulsory school age, whose parents or guardians are not separate school supporters, reside in an inactive school section in territory without municipal organization for a school term, the appropriate supervisory officer may, with the approval of the Minister, declare the school section to be active.

Trustees

(6) After the supervisory officer has declared the school section to be active, three school trustees shall be elected in accordance with section 31, and the trustees shall provide for the education of the pupils commencing in the following school term, and any funds that were deposited in the Consolidated Revenue Fund for safekeeping on behalf of the school section shall be returned to the board. 1962-63, c. 117, s. 9 (4-6), *amended*.

Debentures
for per-
manent
improve-
ments

44.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by the board of an urban municipality or of a township school area for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein. R.S.O. 1960, c. 330, s. 63 (1); 1966, c. 129, s. 39 (1), *amended*.

Application

(2) The application shall be made to the council or councils having jurisdiction in the area for which the board making the application was established, and in it the board may state the proposed terms of years, not exceeding thirty, within which the sum required is to be repaid.

Council to
deal with
application

(3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

Issue of
debentures

(4) If the council, or a majority of the councils where there are more than one, approves of the application, the council of the municipality within which the school is or is to be situated shall raise the sum required by the issue of debentures in the manner provided in *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures or in a township school area a municipality other than the one in which the school is situated or is to be situated may raise the sum required by the issue of debentures.

R.S.O. 1970,
c. 284

(5) If the council, or half or a majority of the councils where there are more than one, disapproves of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality, or of the part thereof included in the area for which the board was established, who are qualified under *The Municipal Act* to vote on money by-laws and who are supporters of public schools under the jurisdiction of the board, in the manner provided in *The Municipal Act* in the case of a money by-law.

Submission
of applica-
tion to vote
of electors

R.S.O. 1970,
c. 284

(6) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors, unless the board otherwise agrees, the vote shall be held within ninety days after the receipt of the request from the board.

When vote
to be held

(7) If a majority of the votes cast throughout the area for which the board was established is in favour of the application, the sum required to be raised by the issue of debentures shall be raised as provided in subsection 4, but without submitting the by-law to the electors.

When vote
favourable

(8) The council or councils having jurisdiction in the area for which the board was established or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the by-laws to a vote of the electors.

Assent of
electors not
required

(9) A debenture may be for such term of years, not exceeding thirty, as the council or councils concerned or a majority of them consider proper, or the council or councils or a majority of them shall if the board has so requested and may, without such request, make the debenture debt payable by annual or other instalments in the manner provided in *The Municipal Act*.

Terms of
debentures

(10) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsections 4, 5 and 8.

Interpre-
tation

(11) The debentures and the money to be raised annually for payment thereof are chargeable only upon the property of ratepayers who are supporters of the public schools under the jurisdiction of the board that requested the issue of debentures. R.S.O. 1960, c. 330, s. 63 (2-11).

Chargeable
only on
property of
public school
supporters

(12) Where a municipality or county has raised money for the purposes of a board by the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require. R.S.O. 1960, c. 330, s. 63 (12); 1966, c. 129, s. 39 (2).

Payments
to boards

Municipality
forming
part of
school
section to
pay its
proportion

(13) The corporation of each other municipality, all or part of which forms part of the school section, shall, on the requisition of the clerk of the municipality that issued the debentures, pay its share of the loan, including interest as it becomes due. 1966, c. 129, s. 39 (3), *amended*.

Rural school
board may
borrow
surplus
moneys

45. A rural school board may, with the consent of the ratepayers first obtained at a special meeting called for the purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys of the corporation or in the Ontario Municipalities Fund for such term and at such rate of interest as may be set forth in the resolution for the purpose of any permanent improvement, and any sum so borrowed shall be applied only to the purpose for which it was borrowed. R.S.O. 1960, c. 330, s. 67.

Cost of
borrowing
advance to
board
before
sale of
debenture

46.—(1) Where the issue of a debenture by a municipality for permanent improvements by a board has been approved by the Ontario Municipal Board and the council of the municipality borrows and advances money to the board before the sale of the debenture for the purposes of the undertaking for which the issue of the debenture is required, the council may charge the cost of such borrowing to the board for the period before the sale for which the money is borrowed or for a period of one year, whichever is the lesser. R.S.O. 1960, c. 330, s. 68.

Expenses re
issuing
debenture

(2) Where debentures are issued by a municipality on behalf of a school board, the expenses of preparing and publishing any by-law or debentures, and all other expenses incident thereto, shall be charged to the board on whose behalf the debentures were issued, and the amount of the expenses may be deducted from the amount received from the sale of the debentures or from any school rates collected by the municipal council for the board. 1962-63, c. 117, s. 11.

Levy of
sums
required
by boards

R.S.O. 1970,
c. 284

47.—(1) The council of each municipality shall levy and collect upon the taxable property of the public school supporters of each school section or part of a school section within the municipality, in the manner provided in this Act and in *The Municipal Act*, such sums as may be required by the board or boards of such school section or sections for school purposes, and shall pay them to the treasurer or treasurers of the board or boards from time to time as may be required by the board or boards.

Sums
payable
to board

(2) The sums payable by a municipality to the board of a school section are payable out of moneys raised upon the taxable property of the public school supporters in the school section or the part thereof lying within the municipality. 1966, c. 129, s. 42.

(3) The council of each municipality shall annually account for all moneys collected for public school purposes, and the sum required by the board of the school section for school purposes shall be paid over to the board not later than the 15th day of December, and any sum collected in excess of the sum required by the board for school purposes shall be retained by the municipality and applied to reduce the sum that the municipality is required by such board to raise for school purposes in the following year. 1967, c. 82, s. 13.

Municipality
to account
for moneys

48. Every municipal council shall correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be to the end that no property shall escape from or be compelled to pay more than its proper proportion of the rate. R.S.O. 1960, c. 330, s. 72.

Correction
of errors in
collection
of rates in
previous
years

49. Where in a municipality a person is entered on the assessment roll as a public school supporter and there is no public school board to which public school rates, if levied in any year on the taxable property of such person in the municipality, may be paid, there shall be levied and collected annually on the taxable property of such person in the municipality a rate equal to 50 per cent of the rate to be levied in that year for general municipal purposes in the municipality. 1960-61, c. 82, s. 7.

School rate
where no
public school
in
municipality

50.—(1) The moneys raised under section 49 and any surplus moneys from the Ontario Municipalities Fund or from any other source for public school purposes held by a municipality shall be deposited in a reserve account for public school purposes and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings from such investments shall form part of the reserve fund.

Reserve
fund for
public
school
purposes

R.S.O. 1970,
c. 470

(2) The council of the municipality, with the approval of the Ontario Municipal Board, may apply part or all of the reserve fund to aid one or more public school boards having jurisdiction in the municipality. 1960-61, c. 82, s. 8.

Application
of fund

51.—(1) A public school board shall,

- (a) operate schools under its charge in accordance with the provisions of this Act, *The Schools Administration Act*, *The Department of Education Act* and the regulations thereunder;
- (b) prepare and submit to the council of each municipality, all or part of which is included in the school section in which the board has jurisdiction, estimates of all sums required during the year for the purposes of the board, and such estimates,

Duties of
boards:

operate
schools
R.S.O. 1970,
cc. 424, 111

submit
estimates

R.S.O. 1970,
c. 424

- (i) shall set forth the estimated revenues and expenditures of the board,
- (ii) shall make due allowance for a surplus of any previous year that will be available during the current year,
- (iii) shall provide for a deficit of any previous year,
- (iv) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 18 of subsection 2 of section 1 of *The Schools Administration Act* shall not exceed a sum calculated at two mills in the dollar upon the total assessment of the taxable property of public school supporters in the school section according to the last revised assessment roll, and for further expenditures if such further expenditures are approved in the manner provided for approving debentures for permanent improvements,
- (v) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or is more than 20 per cent of such expenditures, no further sum shall be provided;

school
open

- (c) keep open each school during the whole period of the school year, except where it is otherwise provided by this Act;

provide
and pay

- (d) provide and pay,
 - (i) the salaries of employees of the board,
 - (ii) repairs to buildings,
 - (iii) furnishings,
 - (iv) fuel,
 - (v) light,
 - (vi) stationery,
 - (vii) equipment,
 - (viii) insurance,
 - (ix) travelling expenses of trustees and officers of the board, and
 - (x) miscellaneous expenses incurred under the authority of the board. R.S.O. 1960, c. 330, s. 74 (1); 1965, c. 109, s. 20; 1967, c. 82, s. 14 (1); 1968, c. 109, s. 8.

Powers of
board:
hold
property

- (2) A public school board may,
 - (a) take possession of all property acquired or given for

public school purposes and hold it according to the terms on which it was acquired or given;

- (b) dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site or other cause, and convey the same under the corporate seal of the board, and apply the proceeds thereof for school purposes or as directed by this Act; sell
property
 - (c) establish, kindergartens,
etc.
 - (i) kindergartens,
 - (ii) classes in industrial arts training and household economics,
 - (iii) school gardens, and
 - (iv) auxiliary and academic-vocational classrooms;
 - (d) provide and pay for such equipment as may be necessary for the teaching of agriculture; agriculture
 - (e) contribute toward the support of rural school fairs; school
fairs
 - (f) exempt any indigent person from the payment of school taxes or fees, in whole or in part, in which case it shall notify the clerk of the municipality of such exemption on or before the 1st day of August; exempt
 - (g) provide for surgical treatment of children attending the school suffering from minor physical defects, where in the opinion of the teacher and, where a school nurse and medical inspector are employed, of the nurse and medical inspector, the defect interferes with the proper education of the child, and include in the estimates for the current year the funds necessary for cases where the parents are not able to pay, provided that no such treatment shall be undertaken without the consent of the parents or guardian of the child; R.S.O. 1960, c. 330, s. 74 (2); 1964, c. 95, s. 9 (1); 1967, c. 82, s. 14 (2); 1968-69, c. 102, s. 13. surgical
treatment
- (3) A public school board of a rural school section shall, Duties of
rural board:
- (a) at the first meeting of the board, examine the schoolhouse, outbuildings, school furniture, maps and apparatus, with a view to ascertaining what repairs or improvements may be necessary; examine
property
 - (b) make suitable provisions for heating the schoolhouse and keeping the schoolhouse and premises in a clean and sanitary condition; and custodian
 - (c) ascertain and report to the Minister at least once in each year the names and ages of all children of school age who are blind or who are deaf and who would otherwise be required to attend the school under its charge. R.S.O. 1960, c. 330, s. 74 (3); 1964, c. 95, s. 9 (2); 1966, c. 129, s. 44. blind and
deaf

Proceedings
not invalid
unless sub-
stantial
injustice

52.—(1) No proceeding with respect to the formation, alteration or dissolution of a school section is invalid or shall be set aside because of failure to comply with the provisions of this Act applicable to the proceeding, unless, in the opinion of the tribunal before which the proceeding is called in question, the proceeding, if allowed to stand, would cause substantial injustice to be done to any person affected thereby.

Questions
to be deter-
mined by
judge

(2) If any question arises touching the validity of any proceeding with respect to the formation, alteration or dissolution of a school section or touching any by-law with respect to any of such matters, the question shall be raised, heard and determined upon a summary application to the judge. 1966, c. 129, s. 45, *part, amended*.

Admission of
pupils from
school section
to public
schools of
another
section or
to Indian
schools

53.—(1) A public school board may provide for the admission of pupils of the section to the public schools of any other school section or to an Indian school under the supervision of a supervisory officer, subject to the approval of the board of such other school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation that the board is required by this Act to make for the pupils of the section. R.S.O. 1960, c. 330, s. 80 (1); 1964, c. 95, s. 12, *amended*.

Closing of
school by
board

(2) Where a public school board has arranged under subsection 1 for the admission of all the pupils of the school section to the public schools of another school section, the board may close the schools of the section for the period during which such arrangement is in effect.

Closing of
school by
Minister

(3) Where in any school section there are for two consecutive years fewer than eight persons between the ages of five and fourteen years residing therein, the Minister may direct that the public school of the section shall no longer remain open, and the school shall thereupon be closed until the Minister otherwise directs.

Fees and
travelling
expenses

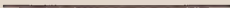
(4) The board may levy and collect upon the taxable property of the section such further sum as may be necessary to pay the fees of pupils attending the schools of another school section or Indian schools and to pay for the conveyance of the pupils to and from such schools as well as such other sums as the board considers expedient or as may be required by this Act. R.S.O. 1960, c. 330, s. 80 (2-4).

Exemption
by-laws not
to include
school
taxes

54. No by-law of a municipal council passed after the 14th day of April, 1892, for exempting any part of the rateable property in the municipality from taxation in whole or in part shall be held or construed to exempt the property from school rates of any kind. R.S.O. 1960, c. 330, s. 82.

55. The clerk of every municipality shall furnish to each board and supervisory officer having jurisdiction in the municipality or any part thereof such information as may be requested with respect to population and the assessment and collector's roll, and the cost of preparing a statement including such information shall be paid by the board that requested it. 1966, c. 129, s. 48, *amended*.

Clerk to
give
information
to board and
supervisory
officer



CHAPTER 386

The Public Service Act**1.** In this Act,Interpre-
tation

- (a) “civil servant” means a person appointed to the service of the Crown by the Lieutenant Governor in Council on the certificate of the Commission or by the Commission, and “civil service” has a corresponding meaning;
- (b) “classified service” means the part of the public service to which civil servants are appointed;
- (c) “Commission” means the Civil Service Commission;
- (d) “Crown” means the Crown in right of Ontario;
- (e) “Crown employee” means a person employed in the service of the Crown or any agency of the Crown, but does not include an employee of The Hydro-Electric Power Commission of Ontario, the Workmen’s Compensation Board, or the Ontario Northland Transportation Commission;
- (f) “Minister” means the member of the Executive Council who is designated by the Lieutenant Governor in Council as the minister to whom the Commission is responsible for the administration of this Act;
- (g) “public servant” means a person appointed under this Act to the service of the Crown by the Lieutenant Governor in Council, by the Commission or by a minister, and “public service” has a corresponding meaning;
- (h) “regulations” means the regulations made under this Act;
- (i) “unclassified service” means the part of the public service that is composed of positions to which persons are appointed by a minister under this Act. 1961-62, c. 121, s. 1; 1962-63, c. 118, s. 1.

2.—(1) The Commission shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, one of whom may be appointed chairman. Commission,
composition

(2) The full-time members of the Commission shall be deemed to be civil servants. status 1961-62, c. 121, s. 2.

Administra-
tion

3. The Commission is responsible to the Minister for the administration of this Act, and the staff of the Commission constitutes the Department of Civil Service. 1965, c. 110, s. 1.

Duties of
Commission

4. The Commission shall,

- (a) evaluate and classify each position in the classified service and determine the qualifications therefor;
- (b) recommend to the Lieutenant Governor in Council the salary range for each classification, except a previously established classification for which a salary range is determined through negotiation under section 27 or 28;
- (c) recruit qualified persons for the civil service and establish lists of eligibles;
- (d) assign persons to positions in the classified service and specify the salaries payable;
- (e) determine perquisite charges for civil servants;
- (f) provide, assist in or co-ordinate staff development programs;
- (g) present annually through the Minister to the Lieutenant Governor in Council a report upon the performance of its duties during the preceding year, which report shall be laid before the Assembly if it is in session or, if not, at the next ensuing session. 1961-62, c. 121, s. 4; 1968, c. 110, s. 1.

Exclusion
of posi-
tions from
classified
service

5. The Commission may exclude any position in the classified service from that service for such period as it may determine. 1965, c. 110, s. 2.

Filling of
vacancies
in classified
service

6.—(1) When a vacancy exists in the classified service, the deputy minister of the department in which the vacancy exists shall nominate in writing from the list of eligibles of the Commission a person to fill the vacancy.

Appoint-
ments to
probationary
staff

(2) The Commission shall appoint the person nominated under subsection 1 to a position on the probationary staff of the classified service for not more than one year at a time. 1961-62, c. 121, s. 5.

Appoint-
ments to
regular
staff

7. The Commission shall, if requested in writing by the deputy minister, recommend to the Lieutenant Governor in Council the appointment of a person on the probationary staff of the classified service to the regular staff of the classified service, and the recommendation shall be accompanied by the certificate of qualification and assignment of the Commission. 1961-62, c. 121, s. 6.

8.—(1) A minister or any public servant who is designated in writing for the purpose by him may appoint for a period of not more than one year on the first appointment and for any period on any subsequent appointment a person to a position in the unclassified service in any department over which he presides. 1961-62, c. 121, s. 7 (1); 1962-63, c. 118, s. 2.

Appointment by minister to unclassified service

(2) Any appointment made by a designee under subsection 1 shall be deemed to have been made by his minister. 1961-62, c. 121, s. 7 (2).

Idem

9. A person who is appointed to a position in the public service for a specified period ceases to be a public servant at the expiration of that period. 1961-62, c. 121, s. 8.

Termination of appointment

10.—(1) Every civil servant shall before any salary is paid to him take and subscribe before the Clerk of the Executive Council, his deputy minister, or a person designated in writing by either of them, an oath of office and secrecy in the following form:

Oath of office and secrecy

I,, do swear that I will faithfully discharge my duties as a civil servant and will observe and comply with the laws of Canada and Ontario, and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a civil servant.
So help me God.

(2) Every civil servant shall before performing any duty as a member of the regular staff take and subscribe before the Clerk of the Executive Council, his deputy minister, or a person designated in writing by either of them, an oath of allegiance in the following form:

Oath of allegiance

I,, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (*or the reigning sovereign for the time being*), her heirs and successors according to law.
So help me God.

(3) A minister may require any person or class of persons appointed to the unclassified service in any department over which he presides to take and subscribe either or both of the oaths set out in subsection 1 and 2.

Unclassified service

(4) A copy of each oath administered to a civil servant shall be kept by his deputy minister in the departmental file of the civil servant. 1961-62, c. 121, s. 9.

Record of oaths

11. A Crown employee, other than a deputy minister or any other Crown employee in a position or classification designated in the regulations, may be a candidate for election to any elective municipal office, including a member or trustee of an elementary or secondary school board or a trustee of an improvement district, or may serve in such office or actively work in support of a candidate for such office if,

Political activities of Crown employees, municipal elections

- (a) the candidacy, service or activity does not interfere with the performance of his duties as a Crown employee;
- (b) the candidacy, service or activity does not conflict with the interests of the Crown; and
- (c) the candidacy, service or activity is not in affiliation with or sponsored by a provincial or federal political party. 1962-63, c. 118, s. 3, *part*.

Political
activities
of Crown
employees,
provincial
and federal
elections

12.—(1) Except during a leave of absence granted under subsection 2, a Crown employee shall not,

- (a) be a candidate in a provincial or federal election or serve as an elected representative in the legislature of any province or in the Parliament of Canada;
- (b) solicit funds for a provincial or federal political party or candidate; or
- (c) associate his position in the service of the Crown with any political activity.

Leave of
absence for
election
candidates

(2) Any Crown employee, other than a deputy minister or any other Crown employee in a position or classification designated in the regulations under clause *u* of subsection 1 of section 29, who proposes to become a candidate in a provincial or federal election shall apply through his minister to the Lieutenant Governor in Council for leave of absence without pay for a period,

- (a) not longer than that commencing on the day on which the writ for the election is issued and ending on polling day; and
- (b) not shorter than that commencing on the day provided by statute for the nomination of candidates and ending on polling day,

and every such application shall be granted.

Resignation

(3) Where a Crown employee who is a candidate in a provincial or federal election is elected, he shall forthwith resign his position as a Crown employee.

Re-
appointment

(4) Where a Crown employee who has resigned under subsection 3,

- (a) ceases to be an elected political representative within five years of the resignation; and
- (b) applies for reappointment to his former position or to another position in the service of the Crown for which he is qualified within three months of ceasing to be an elected political representative,

he shall be reappointed to the position upon its next becoming vacant.

(5) Where a Crown employee has been granted leave of absence under subsection 2 and was not elected, or resigned his position under subsection 3 and was reappointed under subsection 4, the period of the leave of absence or resignation shall not be computed in determining the length of his service for any purpose, and the service before and after such period shall be deemed to be continuous for all purposes. 1962-63, c. 118, s. 3, *part*.

Service
deemed
continuous

13.—(1) A civil servant shall not during a provincial or federal election canvass on behalf of a candidate in the election.

Canvassing
prohibited
during
elections,
civil
servants

(2) Notwithstanding subsection 1, a deputy minister or any other Crown employee in a position or classification designated in the regulations under clause *u* of subsection 1 of section 29 shall not at any time canvass on behalf of or otherwise actively work in support of a provincial or federal political party or candidate. 1962-63, c. 118, s. 3, *part*.

Idem,
senior
officials

14. Except during a leave of absence granted under subsection 2 of section 12, a civil servant shall not at any time speak in public or express views in writing for distribution to the public on any matter that forms part of the platform of a provincial or federal political party. 1962-63, c. 118, s. 3, *part*.

Speaking,
etc., on
political
issues by
civil
servants

15. A Crown employee shall not during working hours engage in any activity for or on behalf of a provincial or federal political party. 1962-63, c. 118, s. 3, *part*.

Political
activity
during
working
hours

16. A contravention of section 11, 12, 13, 14 or 15 shall be deemed to be sufficient cause for dismissal. 1962-63, c. 118, s. 3, *part*.

Dismissal
for con-
travention

17.—(1) Every civil servant shall retire at the end of the month in which he attains the age of sixty-five years, but, where in the opinion of the Commission special circumstances exist and where his deputy minister so requests in writing, he may be reappointed by the Lieutenant Governor in Council for a period not exceeding one year at a time until the end of the month in which he attains the age of seventy years. 1961-62, c. 121, s. 10 (1); 1966, c. 130, s. 1 (1).

Age of
retirement

(2) Notwithstanding subsection 1, every person in the public service on the 1st day of March, 1948, who was more than fifty years of age on that day and who has been in the public service continuously since that day shall retire at the end of the month in which he attains the age of seventy years. 1961-62, c. 121, s. 10 (2); 1966, c. 130, s. 1 (2).

Exception

Appointment of superannuates and annuitants
R.S.O. 1970,
c. 387

18. The Lieutenant Governor in Council may appoint for a period not exceeding six months at a time in a special capacity any person who is receiving a superannuation allowance or an annuity under *The Public Service Superannuation Act* and who has professional, expert or technical knowledge that the Lieutenant Governor in Council desires to have at his disposal. 1961-62, c. 121, s. 11.

Resignation

19. A person may resign from the public service by giving his deputy minister two weeks notice in writing of his intention to resign, but he may, by an appropriate notice in writing and with the approval of his deputy minister, withdraw the notice at any time before its effective date if no person has been appointed or selected for appointment to the position that will become vacant by reason of his resignation. 1961-62, c. 121, s. 12.

Abandonment

20. A public servant who is absent from duty without official leave for a period of two weeks or such longer period as is prescribed in the regulations may by an instrument in writing be declared by his deputy minister to have abandoned his position, and thereupon his position becomes vacant and he ceases to be a public servant. 1961-62, c. 121, s. 13.

Deputy minister's functions

21.—(1) Subject to the direction of his minister, a deputy minister is responsible for the operation of his department and shall perform such other functions as are assigned to him by his minister or by the Lieutenant Governor in Council.

Absence, etc.

(2) Where a deputy minister is absent or where there is a vacancy in the office, his powers and duties shall be exercised and performed by such public servant as is designated by his minister. 1961-62, c. 121, s. 14.

Suspension during investigation

22.—(1) A deputy minister may, pending an investigation, suspend from employment any public servant in his department for such period as the regulations prescribe, and during any such period of suspension may withhold the salary of the public servant. 1961-62, c. 121, s. 15 (1); 1962-63, c. 118, s. 4.

Removal from employment

(2) A deputy minister may for cause remove from employment without salary any public servant in his department for a period not exceeding one month or such lesser period as the regulations prescribe.

Power to dismiss

(3) A deputy minister may for cause dismiss from employment in accordance with the regulations any public servant in his department.

Release from employment

(4) A deputy minister may release from employment in accordance with the regulations any public servant where he considers it necessary by reason of shortage of work or funds or

the abolition of a position or other material change in organization.

(5) A deputy minister may release from employment any public servant during the first year of his employment for failure to meet the requirements of his position. 1961-62, c. 121, s. 15 (2-5). Idem

23.—(1) With the consent in writing of his minister, a deputy minister may delegate in writing any of his powers under this Act to any public servant or any class thereof in his department. Delegation of powers, deputy minister

(2) With the consent of his minister, a deputy minister may delegate any of his duties under this Act to any public servant or any class thereof in his department. 1965, c. 110, s. 3. Delegation of duties, deputy minister

24. The Commission may authorize a deputy minister to exercise and perform any of the powers or functions of the Commission in relation to the recruitment of qualified persons for the civil service and to the evaluation and classification of positions in the classified service that are designated by the Commission. 1961-62, c. 121, s. 17; 1965, c. 110, s. 4. Delegation of powers and functions, Commission

25.—(1) Deputy ministers and public servants shall give the Commission such access to their respective departments and offices and such facilities, assistance and information as the Commission may require for the performance of its duties. Access to records, etc.

(2) In connection with, and for the purposes of, any investigation, the Commission or any member thereof holding an investigation has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. 1961-62, c. 121, s. 18. Investigations
R.S.O. 1970, c. 379

26. Where a debt or money demand of not less than \$25, either on a judgment or otherwise and not being a claim for damages, is due and owing by a Crown employee whose salary or wages are paid out of the Consolidated Revenue Fund, and the creditor files with the Treasurer of Ontario, Debts of persons paid out of Consolidated Revenue Fund

(a) a notice of the debt or money demand; and

(b) such proof as the Treasurer may require that the debt or money demand is owing,

the Treasurer may deduct from the salary of the debtor, or from any money owing to him from the Crown and payable out of the Consolidated Revenue Fund, such amount as the Treasurer sees fit in the circumstances and pay the amount to the creditor in discharge or in partial discharge of the debt or money demand. 1962-63, c. 118, s. 5.

Joint
Council,
composition

27.—(1) There shall be a Joint Council composed of,

- (a) three Crown employees appointed by the Lieutenant Governor in Council on the recommendation of the Treasury Board, to be known as the “official side”; and
- (b) three members or two members and one employee or one member and two employees of the Civil Service Association of Ontario appointed by the Lieutenant Governor in Council on the recommendation of the Association, to be known as the “staff side”. 1966, c. 130, s. 2 (1); 1968, c. 110, s. 2.

Chairman

(2) The Lieutenant Governor in Council shall appoint a person who is not a member of the Joint Council as chairman, and the chairman shall not vote.

Alternate
chairman

(3) The Lieutenant Governor in Council may appoint a person who is not a member of the Joint Council to act as chairman when the chairman is absent. 1962-63, c. 118, s. 6, *part*.

Duties of
chairman

(4) The chairman of the Joint Council shall,

- (a) convene a meeting of the Joint Council at the request of the official side or of the staff side, or of both of them;
- (b) put on the agenda in accordance with the Rules of the Joint Council at the request of the official side or of the staff side, or of both of them, any matter concerning the terms of employment of Crown employees, including working conditions, remuneration, leaves and hours of work, that is not excluded by the regulations; and
- (c) preside at the meeting. 1966, c. 130, s. 2 (2).

Duties of
Joint
Council

(5) The Joint Council shall negotiate such matters as are put on its agenda by the chairman under subsection 4. 1962-63, c. 118, s. 6, *part*.

Agreements

(6) Every agreement reached by the official side and the staff side of the Joint Council shall be put in writing and three copies thereof signed by the senior member of each side, and one copy thereof shall be delivered to the chairman of the Joint Council who shall forthwith transmit it to the appropriate authority to be implemented. 1966, c. 130, s. 2 (4).

Reference
to mediator

28.—(1) If the two sides of the Joint Council are unable to reach agreement upon any matter, the chairman shall refer the matter to the Minister of Labour who may, within fifteen days thereafter, appoint a mediator to confer with representatives of the two sides and endeavour to bring about agreement upon the matter.

Reference
to Civil
Service
Arbitration
Board

(2) If the Minister of Labour does not appoint a mediator within the fifteen days mentioned in subsection 1 or if the

mediator is unable to bring about agreement, the chairman of the Joint Council shall refer the matter to the Civil Service Arbitration Board who shall, after a hearing decide the matter. 1966, c. 130, s. 3 (1).

(3) There shall be a Civil Service Arbitration Board appointed by the Lieutenant Governor in Council composed of, Composition

- (a) a chairman who shall be appointed for a renewable term of two years;
- (b) one member designated from time to time by the members of the Joint Council appointed under clause *a* of subsection 1 of section 27; and
- (c) one member designated from time to time by the members of the Joint Council appointed under clause *b* of subsection 1 of section 27. 1962-63, c. 118, s. 6, *part*.

(4) Every decision of the Civil Service Arbitration Board shall be signed by the chairman, and he shall transmit it to the chairman of the Joint Council who shall forthwith transmit it to the appropriate authority to be implemented. 1962-63, c. 118, s. 6, *part*; 1966, c. 130, s. 3 (2). Decisions

(5) *The Arbitrations Act* does not apply to matters referred to the Civil Service Arbitration Board under this section. 1962-63, c. 118, s. 6, *part*. R.S.O. 1970,
c. 25, not
to apply

29.—(1) The Commission, subject to the approval of the Lieutenant Governor in Council, may make regulations, Regulations

- (a) prescribing methods of evaluating and classifying positions;
- (b) prescribing classifications for positions, including qualifications, duties and salaries, except salaries for previously established classifications for which salaries are determined through negotiation under section 27 or 28;
- (c) prescribing the standards and procedures to be followed in recruitment, selection and nomination;
- (d) prescribing the procedures to be followed in making assignments;
- (e) providing for a probationary period on appointment or assignment;
- (f) determining employee benefits;
- (g) providing for the establishment of plans for group life insurance, medical-surgical insurance or long-term income protection insurance;
- (h) prescribing the hours of work;

- (i) defining overtime work and providing for compensation therefor;
- (j) providing for and prescribing payments on death;
- (k) regulating the conduct of public servants, including the imposition of fines, removal from employment, demotion or otherwise;
- (l) providing for a system of credits for regular attendance and payments in respect of such credits;
- (m) providing for the granting of leave of absence;
- (n) prescribing a period longer than two weeks for the purposes of section 20;
- (o) prescribing periods of suspension or removal from employment for the purposes of section 22;
- (p) prescribing the conditions and procedures for release from employment, lay-off and subsequent reappointment;
- (q) prescribing the conditions and procedures for dismissal;
- (r) providing for departmental or branch councils, grievance boards, medical boards, and committees of any kind, and prescribing their jurisdictions, powers and duties, including any of the powers that may be conferred upon a commissioner under *The Public Inquiries Act*;
- (s) prescribing arrangements and procedures for providing, assisting in or co-ordinating staff development programs;
- (t) prescribing the duties and procedures of the Joint Council, the Ontario Provincial Police Negotiating Committee and the Civil Service Arbitration Board and excluding matters from the agenda of the Joint Council;
- (u) designating positions or classifications of Crown employees for the purpose of section 11;
- (v) prescribing and providing for the use of forms under this Act or the regulations;
- (w) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1961-62, c. 121, s. 20 (1); 1962-63, c. 118, s. 7; 1965, c. 110, s. 5; 1968, c. 110, s. 3.

R.S.O. 1970,
c. 379

Application

(2) Any regulations made under subsection 1 may be made applicable to all or any part of the classified service or unclassified service. 1961-62, c. 121, s. 20 (2).

30. The cost of administration of this Act is payable out of the moneys appropriated therefor by the Legislature. 1961-62, ^{Cost of} ^{administra-} ^{tion}
c. 121, s. 21.

CHAPTER 387

The Public Service Superannuation Act

1.—(1) In this Act,

Interpre-
tation

- (a) “Board” means the Public Service Superannuation Board;
- (b) “child” includes adopted child and step-child;
- (c) “civil servant” has the same meaning as in *The Public Service Act*; R.S.O. 1970,
c. 386
- (d) “contributor” means a civil servant or a person in a class of persons to whom that Part is made applicable, and includes the Provincial Auditor, the Assistant Provincial Auditor and the members of the staff of the Provincial Auditor, but does not include a person who has not attained the age of eighteen years;
- (e) “Crown” means the Crown in right of Ontario;
- (f) “Fund” means the Public Service Superannuation Fund;
- (g) “Treasurer” means the Treasurer of Ontario and Minister of Economics;
- (h) “widow” includes a woman who,
 - (i) establishes to the satisfaction of the Board that she had, for a period of not less than seven years immediately prior to the death of a contributor with whom she had been residing and with whom by law she was prohibited from marrying by reason of a previous marriage either of the contributor or of herself to another person, been maintained and publicly represented by the contributor as his wife, or
 - (ii) establishes to the satisfaction of the Board that she had, for a number of years immediately prior to the death of a contributor with whom she had been residing, been maintained and publicly represented by the contributor as his wife, and that at the time of the death of the contributor, neither she nor the contributor was married to any other person. R.S.O. 1960, c. 332, s. 1; 1960-61, c. 84, s. 1; 1961-62, c. 122, s. 1; 1965, c. 111, s. 1; 1966, c. 131, s. 1; 1968-69, c. 103, s. 1 (1, 2).

When
common-law
wife deemed
married to
contributor

(2) For the purposes of this Act, a woman who has established to the satisfaction of the Board that she is a widow under subclause i or ii of clause *h* of subsection 1 shall, if the Board so directs, be deemed to have become married to the contributor at such time as she commenced being represented by him as his wife, and a woman who could establish that she is a widow under subclause i or ii of clause *h* of subsection 1 but for her marriage to a contributor after such time as she commenced being represented by him as his wife shall, if the Board so directs, be deemed to have become married to the contributor at the time when, in fact, she commenced being so represented. 1968-69, c. 103, s. 1 (3).

Respon-
sibility of
Treasurer

2. The Treasurer is responsible for the administration of this Act. 1960-61, c. 84, s. 2.

Board,
continued

3.—(1) The board known as the Public Service Superannuation Board is continued and shall consist of four members.

Composition

(2) The chairman of the Civil Service Commission is *ex officio* a member of the Board and the other three members shall be appointed by the Lieutenant Governor in Council, one of whom shall be the representative of the Civil Service Association of Ontario.

Chairman

(3) The Lieutenant Governor in Council may designate one of the members of the Board as chairman. R.S.O. 1960, c. 332, s. 2.

Functions
of Board

4. It is the function of the Board to make recommendations to the Treasurer with respect to matters under this Act and the amounts of allowances and annuities to which persons are entitled under this Act and to perform such other duties as are assigned to it by this Act or by the Treasurer. 1960-61, c. 84, s. 3.

Fund
continued

5.—(1) The fund known as the Public Service Superannuation Fund and the account in the books of the Treasurer known as the Public Service Superannuation Fund Account are continued.

Composition
of Fund

(2) The Fund consists of the moneys paid in by contributors and the moneys credited to the Fund out of the Consolidated Revenue Fund or otherwise in accordance with law, less the moneys paid out under this Act.

Records

(3) The Treasurer shall keep records showing a separate account for each contributor to the Fund.

Interest

(4) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at the rate of 5 per cent per annum compounded annually, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the commencement of the fiscal year. R.S.O. 1960, c. 332, s. 4 (1-4).

(5) Where a payment into the Fund is made pursuant to *The Pension Benefits Act* with respect to the unfunded liability of the Fund, interest shall be credited to the Fund out of the Consolidated Revenue Fund at the rate of 5 per cent per annum from the date of such payment in any year to the end of the then current fiscal year. 1965, c. 111, s. 2. Idem
R.S.O. 1970,
c. 342

(6) If at any time the amount at the credit of the Fund is insufficient to meet the payments out of the Fund, the deficiency shall be made up out of the Consolidated Revenue Fund. R.S.O. 1960, c. 332, s. 4 (5). Deficiency

6. Except where otherwise specifically provided for by this Act, interest payable under this Act shall be at the rate of 3 per cent per annum compounded half-yearly. 1966, c. 131, s. 2. Interest
payable
under Act

7.—(1) There shall be deducted from the salary of every contributor an amount equal to, Contribu-
tions,
current

(a) 6 per cent of his salary up to the amount of his basic exemption within the meaning of the *Canada Pension Plan*; 1964-65,
c. 51 (Can.)

(b) 4.2 per cent of his salary on the amount in excess of his basic exemption up to the amount of his year's maximum pensionable earnings within the meaning of the *Canada Pension Plan*; and

(c) 6 per cent of the amount of his salary in excess of the year's maximum pensionable earnings,

and the amounts so deducted shall be placed to his credit in the Fund.

(2) Every contributor shall cease to contribute to the Fund on the day on which he ceases to be employed in the public service or at the end of the month in which he attains the age of seventy years or, in the case of a provincial judge who was appointed a magistrate before the 1st day of July, 1941, at the end of the month in which he attains the age of seventy-five years, whichever occurs first, but any such person may at any time after attaining the age of sixty-five years give notice in writing to the Board that he wishes to discontinue his contributions, and in every such case his contributions shall cease at the end of the month following the month in which the notice is given. 1966, c. 131, s. 3, *amended*. Cessation
of con-
tributions

8.—(1) Every person, Contribu-
tions in
respect of
past service

(a) who becomes a contributor after the commencement of this Act; and

(b) who was continuously in the service of the Crown up to the time he became a contributor; and

R.S.O. 1970,
c. 386

- (c) who gives notice in writing to the Board within one year from the date of his appointment to the classified service under *The Public Service Act* of his intention to establish credit in the Fund in respect of his past non-contributory service with the Crown; and
- (d) who agrees to pay on terms satisfactory to the Board and pays an amount equal to the amount that he would have paid if he had contributed to the Fund from the time he commenced his continuous non-contributory service with the Crown, together with interest upon such amount,

is, in reckoning the amount of any allowance or annuity payable to him, entitled to credit in the Fund for the period of service represented by the payments so made. R.S.O. 1960, c. 332, s. 6 (1); 1964, c. 96, s. 1; 1966, c. 131, s. 5.

Exception

(2) Where in the opinion of the Board special circumstances exist, the Board may determine the amount to be paid by a person in lieu of the amount provided in clause *d* of subsection 1. 1967, c. 83, s. 1.

Idem,
part of
past service

(3) Any contributor who is entitled under subsection 1 to establish credit in the Fund in respect of his past continuous non-contributory service with the Crown may establish such credit in respect of a part only of such service, in which case the relevant provisions of this section apply *mutatis mutandis*, but no interval of time shall intervene between such part and the period in respect of which he contributes under section 7.

Commence-
ment of
continuous
service

(4) For the purposes of this section, the Board may determine the day on which any contributor commenced his continuous non-contributory service with the Crown. R.S.O. 1960, c. 332, s. 6 (2, 3).

Where
payment for
such service
not paid in
reasonable
time

(5) This section does not apply where a person does not agree to pay on terms satisfactory to the Board the amount he elected to pay under this section or where the person does not pay the amount he elected to pay under this section together with interest upon such amount within such reasonable time as the Board may determine. 1968-69, c. 103, s. 2.

Leave of
absence
contribu-
tions

9.—(1) A contributor who is granted leave of absence of more than one month without salary because of illness or pregnancy shall, within six months of the termination of the leave, contribute to the Fund an amount equal to the amount that would have been contributed if the leave had not been granted.

Idem

(2) A contributor who is granted leave of absence of more than one month without salary for special or educational purposes may make contributions to the Fund for the period of the leave, in

which case he shall contribute an amount equal to the amount he would have contributed to the Fund if he had not been granted the leave together with an amount equal to the amount that would have been credited to the Fund under section 10, and such contribution shall be made within a period of time that is equal to or less than the period of leave, or he may elect not to make such contribution, in which case he is not entitled to credit for the period of the leave.

(3) Where a contributor is granted leave of absence without salary for educational purposes and he receives bursary assistance as provided for under *The Public Service Act*, the leave shall be deemed for the purposes of this Act to be educational leave of absence with pay, and he shall contribute to the Fund an amount equal to the amount he would have contributed if he had not been granted the leave, and the amount of the contribution shall be deducted from his bursary, unless at the time the contributor is granted the leave of absence, he elects not to make such contribution, in which case he is not entitled to credit for the period of the leave. 1967, c. 83, s. 2. Idem
R.S.O. 1970,
c. 386

10.—(1) Except as otherwise provided, where a contribution is credited to the Fund, an equivalent amount shall be credited to the Fund out of the Consolidated Revenue Fund. Govern-
ment's con-
tribution

(2) Where contributors are engaged in a branch of the civil service that has a special fund and the branch is designated for the purpose of this subsection by the Lieutenant Governor in Council, amounts equivalent to the contributions to the Fund of such contributors shall be credited or paid to the Fund out of the special fund of the branch in lieu of the credits to the Fund provided for in subsection 1. R.S.O. 1960, c. 332, s. 8 (1, 2). Designated
branches

(3) Where the Lieutenant Governor in Council designates a board, commission or foundation under section 27, amounts equivalent to the contributions to the Fund of persons who become contributors by reason of such designation shall be paid into the Fund by the board, commission or foundation in lieu of the credits to the Fund provided for in subsection 1. 1962-63, c. 119, s. 1. Designated
boards,
commissions
and
foundations

11.—(1) Every contributor who, Super-
annuation
allowance,
at 65

(a) has attained the age of sixty-five years; and

(b) has contributed to the Fund in respect of a period of ten or more years,

is entitled to a superannuation allowance upon his retirement. R.S.O. 1960, c. 332, s. 9 (1); 1966, c. 131, s. 7 (1).

(2) Every contributor who, at 60

(a) has attained the age of sixty years; and

- (b) has contributed to the Fund in respect of a period of twenty or more years,

is entitled to a superannuation allowance upon his retirement. R.S.O. 1960, c. 332, s. 9 (3); 1961-62, c. 122, s. 3.

Disability
allowance

12.—(1) Every contributor who,

- (a) has contributed to the Fund in respect of a period of ten or more years; and
(b) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity,

is entitled to a disability allowance upon termination of his service. 1968-69, c. 103, s. 3.

Review

(2) The Board may at any time review the case of any person receiving a disability allowance and, if, in the opinion of the Board, the person has recovered sufficiently to perform his former or other duties, the Board shall report the case to the Lieutenant Governor in Council who may direct that he be considered for re-employment.

Re-employ-
ment

(3) Where a person is offered re-employment under this section, his disability allowance ceases whether or not he accepts the offer. R.S.O. 1960, c. 332, s. 10 (2, 3).

Where
offer not
accepted

(4) Where a person does not accept the offer and the total amount of the allowance paid to him is less than the total amount of his contributions with interest, the amount of the difference shall be paid to him in monthly instalments or otherwise as he directs. R.S.O. 1960, c. 332, s. 10 (4); 1966, c. 131, s. 8 (2).

Deferred
annuities

13.—(1) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who is not entitled to an allowance under this Act is entitled to a deferred annuity,

- (a) commencing when he attains the age of sixty-five years if he ceases to be employed before attaining that age and if he is not entitled to or has not elected to take an immediate annuity provided in subsection 3; or
(b) commencing when he attains the age of sixty years if he ceases to be employed before attaining that age and if he has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966. 1966, c. 131, s. 9, *part*.

Idem

(2) Every former contributor who has contributions locked in under subsection 2 of section 17 and who is not entitled to a payment under subsection 3 of section 17 is entitled to a deferred annuity commencing,

- (a) when he attains the age of sixty years if he has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966; or
- (b) when he attains the age of sixty-five years. 1968-69, c. 103, s. 4.

(3) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who is not entitled to an allowance under this Act is entitled to an immediate annuity, Immediate annuities

- (a) commencing when he ceases to be employed in the public service after he has attained the age of sixty years; or
- (b) with the approval of the Lieutenant Governor in Council, commencing when he ceases to be employed in the public service after he has attained the age of fifty-five years and before he has attained the age of sixty years.

(4) Every former contributor who has a deferred annuity and who has attained the age of fifty-five years is, with the approval of the Lieutenant Governor in Council, entitled to an immediate annuity. Idem

(5) Notwithstanding subsection 4, Idem

- (a) every former contributor who qualified for a deferred annuity before the 1st day of January, 1966, and who has attained the age of fifty years; or
- (b) every person who has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966, and who ceases to be employed on or after that date and after he is fifty years of age and before he is sixty years of age or who has a deferred annuity and has attained the age of fifty years,

is, with the approval of the Lieutenant Governor in Council, entitled to an immediate annuity computed under *The Public Service Superannuation Act* as it was on the 31st day of December, 1965. 1966, c. 131, s. 9, *part.* R.S.O. 1960, c. 332

14.—(1) The amount of every annual superannuation allowance and annual disability allowance and of every annuity under this Act shall be 2 per cent of the average annual salary of the contributor during the sixty consecutive months of his contributory service during which his salary was highest, multiplied by the total number of full years and any part of a year of contributory service, but not more than thirty-five years of service shall be reckoned. Computation of allowances and annuities

(2) The amount computed under subsection 1 shall be reduced by 0.7 per cent of the average annual salary of the contributor during the sixty consecutive months of his contributory service C.P.P. reduction

- 1964-65,
c. 51 (Can.) during which his salary was highest, but not exceeding his year's maximum pensionable earnings under the *Canada Pension Plan* established at the time he ceased to be employed, multiplied by the number of full years and any part of a year of contributory service after the 1st day of January, 1966, but not more than thirty-five years of service shall be reckoned.
- Special case (3) In the case of a person who retires after attaining the age of sixty years but before attaining the age of sixty-five years and who has contributed to the Fund for twenty or more years, the reduction in subsection 2 does not apply until the beginning of the month following the month in which he attained the age of sixty-five years.
- Idem,
allowances
and
annuities (4) The reduction in subsection 2 does not apply,
(a) to a person who ceases to be employed in the public service before the year 1967; or
(b) to a person whose disability allowance commences before the 1st day of January, 1971.
- Idem,
annuities (5) The amount of every annuity shall, in addition to the reduction mentioned in subsection 2, be further reduced at the rate of 5 per cent for each year by which the age of the person is less than sixty-five years at the beginning of the month in which he commences to receive the annuity. 1966, c. 131, s. 10, *part*.
- Where sub-
section 5
does not
apply (6) The reduction in subsection 5 does not apply to a person who has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966, unless the person receives an immediate annuity before he is sixty years of age, in which case, in lieu of the reduction in subsection 5, the amount of his annuity shall be reduced at the rate of 5 per cent for each year by which his age is less than sixty years at the beginning of the month in which he commences to receive the annuity. 1967, c. 83, s. 3.
- Special
case (7) Where a person who is entitled to an allowance or an annuity has been a contributor to the Fund for fewer than sixty months, his allowance or annuity shall be based upon his average annual salary during the period that he was a contributor.
- Computa-
tion of
part of
year (8) Where a computation under this section involves part of a year, the computation in respect of that part shall be made on a monthly basis, and,
(a) any part of a month less than fifteen days shall be disregarded; and
(b) any part of a month not less than fifteen days shall be deemed to be a month.
- Guarantee (9) Subject to subsection 10, a person who has credit in the Fund in respect of employment in the public service before the 1st

day of January, 1966, and who ceases to be employed in the public service on or after that date shall, if he is qualified for an allowance or an annuity, receive an annual allowance or an annuity equal to that which he would have received if it had been computed under *The Public Service Superannuation Act* as it was on the 31st day of December, 1965. R.S.O. 1960,
c. 332

(10) When a person referred to in subsection 9 attains the age at which he becomes entitled to a retirement pension under the *Canada Pension Plan* or commences to receive a disability pension under the *Canada Pension Plan*, his annual allowance or his annuity shall be recomputed under this section, and, if the amount thereof together with the pension he is then entitled to or is receiving under the *Canada Pension Plan*, other than that part derived from contributions made after he ceased to be employed in the public service, is less than the amount that he qualified for or received under subsection 9, the amount of the difference shall be added to the amount of his annual allowance or his annuity as so recomputed. 1966, c. 131, s. 10, *part*. Idem
1964-65,
c. 51 (Can.)

15. Except as provided in section 20, where an annuitant dies, an amount equal to the amount of his contributions to the Fund with interest, less the amount of the annuity paid to him, shall be paid to his personal representative. R.S.O. 1960, c. 332, s. 15; 1966, c. 131, s. 13. Death of
annuitant

16.—(1) Where a former contributor is, in the opinion of the Board, re-employed or engaged in any capacity in the service of the Crown and works for a period of more than 130 days in any one year, any allowance or annuity to which he is entitled during such re-employment or engagement shall not be paid in respect of such period. 1966, c. 131, s. 14; 1968-69, c. 103, s. 5. Re-
employment

(2) Any period of re-employment referred to in subsection 1 during which a person contributes under this Act shall be added to the period of his prior employment, and the allowance or the annuity payable upon termination of his re-employment shall be recalculated accordingly. 1961-62, c. 122, s. 7, *part*. Idem

(3) Notwithstanding subsections 1 and 2, where a person in receipt of an allowance or annuity has been or is appointed under *The Public Service Act*, or any predecessor thereof, because the Lieutenant Governor in Council desires to have such person's professional, expert or technical knowledge at his disposal, payment of the allowance or annuity shall not be suspended or recalculated. 1961-62, c. 122, s. 7, *part, amended*. Idem
R.S.O. 1970,
c. 386

17.—(1) Where a contributor,

Refunds

- (a) resigns or is dismissed and is not entitled to or granted an allowance or an immediate annuity; or

- (b) dies leaving no widow, or no child or children under the age of eighteen years,

an amount equal to the total of his contributions to the Fund with interest shall be paid to him in monthly instalments or otherwise as he directs or to his personal representative, as the case may be.

Contributions
locked in

- (2) Notwithstanding subsection 1, a contributor,
- (a) who has attained the age of forty-five years;
 - (b) who has contributed to the Fund in respect of a period of ten or more years; and
 - (c) who resigns or is dismissed,

is not entitled to a refund of his contributions to the Fund in respect of service rendered after the 31st day of December, 1964.

Exception

- (3) Notwithstanding subsection 2, where the deferred annuity in respect of service rendered after the 31st day of December, 1964, is less than \$10 a month, it may be commuted for a cash sum. 1966, c. 131, s. 15.

Retirement
or death
before
super-
annuation

18. Where a contributor who,

- (a) has attained the age of sixty-five years retires and is not entitled to a superannuation allowance or annuity; or
- (b) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity and whose service is terminated in circumstances under which he is not entitled to a disability allowance or annuity; or
- (c) has contributed to the Fund in respect of a period of less than ten years dies leaving a widow, or a child or children under the age of eighteen years,

twice the amount of his contributions to the Fund with interest shall be paid to him in monthly instalments or otherwise as he directs or to his widow or child or children, as the case may be. 1966, c. 131, s. 16; 1968-69, c. 103, s. 6.

Death of
person in
receipt of
allowance

- 19.** Except as provided in section 20, where a person who is in receipt of an allowance dies, an amount equal to the amount of his contributions with interest, less the amount of the allowance paid to him, shall be paid to his personal representative. R.S.O. 1960, c. 332, s. 19; 1966, c. 131, s. 17.

Interpre-
tation

- 20.**—(1) For the purposes of subsections 2 and 4 to 9, “allowance” includes an annuity, and, in the case of a deferred annuity, it shall be deemed that it is being paid.

Allowances
to widows,
etc.

- (2) Subject to subsection 3, where a contributor who has contributed to the Fund in respect of a period of ten or more years, or a person to whom an allowance is being paid,

- (a) dies leaving a widow, an amount equal to,
- (i) one-half of the allowance computed in the manner provided in subsections 1 to 8 of section 14 but based on the deceased's employment to the time of his death, or
 - (ii) one-half of the allowance that the deceased was receiving at the date of his death,

as the case may be, shall be paid to his widow during her life or during her widowhood, and, where the widow dies or marries leaving a child or children of the former contributor who at the date of her death or marriage is or are under the age of eighteen years, an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

- (b) dies leaving no widow, but leaving a child or children under the age of eighteen years, an amount equal to,
- (i) one-half of the allowance computed in the manner provided in subsections 1 to 8 of section 14 but based on the deceased's employment to the time of his death, or
 - (ii) one-half of the allowance that the deceased was receiving at the date of his death,

as the case may be, shall be paid to the child or children until such age is attained.

(3) Where a person dies who,

Exceptions

- (a) had established credit in the Fund from a day on or after the 1st day of January, 1966, or had commenced his employment in the public service on or after such day and was receiving an allowance under subsection 2 of section 11 and had not attained the age at which he could have qualified for a pension under the *Canada Pension Plan* at the date of his death; or
- (b) had credit in the Fund in respect of employment in the public service before the 1st day of January, 1966, and ceased to be employed in the public service on or after that date and was receiving an allowance or annuity and had not attained the age at which he could have qualified for a pension under the *Canada Pension Plan* at the date of his death,

1964-65,
c. 51 (Can.)

the allowance payable to the widow, widower or child or children, as the case may be, shall be one-half of the allowance or the annuity that he would have received at the beginning of the month following the month in which he would have attained such age.

Maximum
reduction

(4) In computing an allowance under this section, the reduction referred to in subsection 5 of section 14 shall not exceed 50 per cent.

Where pay-
ments less
than con-
tributions

(5) Where the payments made under subsection 2 or the amount of the allowance and any payments made under subsection 2, as the case may be, are less than the amount of the contributions of the deceased with interest, the amount of the difference shall be paid to his personal representative.

Post-
retirement
marriages

(6) Subsection 2 does not apply to the widow of a contributor or of a person to whom an allowance was being paid if she married him after the date of his retirement or to the child or children of such marriage, but an amount equal to twice the amount of his contributions with interest, less the total amount of the allowance, if any, paid to him shall be paid to his widow or child or children, as the case may be.

Where
deceased
was a
widow with
children

(7) Where the contributor or the person to whom an allowance was being paid was a widow who died leaving a child or children, subsection 2 applies *mutatis mutandis* to the child or children. 1966, c. 131, s. 18, *part*.

Widower's
allowance

(8) Where the contributor or the person to whom an allowance was being paid dies leaving a widower, this section applies *mutatis mutandis* to him,

- (a) if, in the opinion of the Board, he was permanently incapacitated and wholly or substantially supported by her at the time of her death; and
- (b) if she had been married to him for at least one year at the time of her death. 1966, c. 131, s. 18, *part*; 1968-69, c. 103, s. 7 (1).

Exception

(9) Where a contributor who had credit in the Fund on the 8th day of July, 1966,

- (a) dies before the 1st day of January, 1969; or
- (b) ceases to be employed before that day and subsequently dies,

leaving a widow or child or children, the allowance otherwise payable under this section shall be computed under *The Public Service Superannuation Act* as it was on the 31st day of December, 1965. 1966, c. 131, s. 18, *part*; 1967, c. 83, s. 4.

Payment of
allowances
and
annuities

21. Allowances and annuities shall commence on the first day of the month next following the month during which the entitlement thereto occurred and shall be paid in monthly instalments. 1968-69, c. 103, s. 8.

Cessation
of allow-
ances and
annuities

22. Except as otherwise provided in this Act, an allowance or annuity shall cease on the last day of the month during which the entitlement thereto ceases. 1960-61, c. 84, s. 9.

23.—(1) This Act applies to,

(a) every sheriff; and

(b) every person or class of persons connected with the administration of justice who or that are designated by the Lieutenant Governor in Council,

Sheriffs,
persons
engaged in
administra-
tion of
justice

whether paid by fees or salary or partly by fees and partly by salary.

(2) Where a person or class of persons designated under subsection 1 is paid by fees or partly by fees, the contributions payable under this Part in respect of fees shall be computed upon the net income, within the meaning of *The Public Officers' Fees Act*, payable for the preceding year in respect of the office occupied by him and his allowance or annuity shall be computed accordingly. R.S.O. 1960, c. 332, s. 22.

Computa-
tion of
contri-
butions

R.S.O. 1970,
c. 383

24. This Act applies to every full-time registrar of deeds. R.S.O. 1960, c. 332, s. 23 (1), *amended*.

Registrars
of deeds

25. This Act applies to every full-time provincial judge. R.S.O. 1960, c. 332, s. 24; 1960-61, c. 84, s. 10, *amended*.

Application
of Act to
provincial
judges

26.—(1) In this section, “contributions” means a person’s contributions, the Government’s contributions with respect thereto and interest on both such contributions at $4\frac{3}{4}$ per cent per annum compounded annually.

Interpre-
tation

(2) Where a person who has contributions in the Teachers’ Superannuation Fund becomes a civil servant engaged as a teacher in a department of the Government or as an inspector or in a supervisory capacity in the Department of Education, he may elect to continue as a contributor under *The Teachers’ Superannuation Act* or to become a contributor under this Act and he shall send written notice thereof to the Teachers’ Superannuation Commission and to the Board within sixty days of his appointment as a civil servant and, if he fails to send such notice in accordance with this subsection, he shall continue as a contributor under *The Teachers’ Superannuation Act*.

Teachers
becoming
civil
servants

R.S.O. 1970,
c. 455

(3) Where a person who has contributions in the Teachers’ Superannuation Fund becomes a civil servant and he elects to become a contributor under this Act in accordance with subsection 2 or he is engaged in a capacity other than any of those mentioned in subsection 2, he shall contribute under this Act.

Idem

(4) Where the contributions of a person mentioned in subsection 3 are transferred from the Teachers’ Superannuation Fund to the Fund, he shall receive service credit in the Fund equal to 100 per cent of his continuous service in the Teachers’ Superannua-

Service
credits

tion Fund or equal to 70 per cent of the total of his continuous and non-continuous service in the Teachers' Superannuation Fund, as the case may be, as determined by the Board, but in the latter case the number of years of service credit in the Fund shall not exceed twenty years.

Option

(5) A contributor to the Fund who was a contributor on the 31st day of December, 1965, and whose contributions in the Teachers' Superannuation Fund were transferred to the Fund may, if a written request is made to the Board on or before the 31st day of December, 1967, have his service credit re-assessed under subsection 4, and, where his service credit is so re-assessed, he shall for all purposes, other than for his service credit, be deemed to have become a contributor to the Fund on the 1st day of January, 1966.

Contributors to Fund becoming teachers
R.S.O. 1970, c. 455

(6) Where a former contributor to the Fund who is not in receipt of an allowance or an annuity is employed within the meaning of *The Teachers' Superannuation Act*, his contributions in the Fund shall, if he so requests in writing before a refund is made, be transferred to the Teachers' Superannuation Fund. 1966, c. 131, s. 19.

Boards, commissions

27. This Act applies to the permanent and full-time probationary staff of any board, commission or foundation established under any Act of the Legislature that is designated by the Lieutenant Governor in Council. R.S.O. 1960, c. 332, s. 27; 1960-61, c. 84, s. 2; 1968-69, c. 103, s. 9.

Arrangement for payment, out of Fund into another superannuation fund

28.—(1) Where a contributor becomes a member of the civil service of Canada or of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature, a sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board determines, with interest at such rate as the Board determines, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be. R.S.O. 1960, c. 332, s. 28 (1); 1960-61, c. 84, s. 13 (1); 1968-69, c. 103, s. 10 (1).

into Fund out of another superannuation fund

(2) Where a member of the civil service of Canada or of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature becomes a contributor and a sum of money is paid into the Fund in respect of the period during which he was a civil or civic servant or on the staff of the board, commission or public institution, the Board may allow him such credit in the Fund in respect of the sum and the period of service represented thereby as is determined. R.S.O. 1960, c. 332, s. 28 (2); 1960-61, c. 84, s. 13 (2); 1968-69, c. 103, s. 10 (2).

(3) Notwithstanding subsections 1 and 2, the Treasurer, subject to the approval of the Lieutenant Governor in Council, may enter into an agreement with any government, municipality, board, commission or public institution mentioned therein to provide reciprocal arrangements for the transfer of contributions and credits, and, where such an agreement exists, such transfers shall be in accordance with the agreement. 1960-61, c. 84, s. 13 (3). Agreements authorized

(4) An agreement entered into under subsection 3 may provide that, for the purpose of computing the minimum requirement of ten years of service for an allowance under section 12 or 20, service rendered to the other party to the agreement may be included up to the maximum set forth in the agreement, and any such allowance shall then be computed upon the service for which contributions have been made to the Fund. 1961-62, c. 122, s. 11; 1968-69, c. 103, s. 10 (3). Idem

29.—(1) A contributor who resigns or otherwise terminates his service and who is re-employed within six months from the date of his resignation or termination of service and who again becomes a contributor, may reinstate his account in the Fund. Reinstatement when re-employed within six months

(2) Where a contributor who elects to reinstate his account under subsection 1 has withdrawn his prior contributions with interest thereon, he shall pay into the Fund the total amount withdrawn together with interest thereon calculated at the rate of 5 per cent per annum compounded annually from the date of the withdrawal of his contributions from the Fund to the date of payment into the Fund. 1968-69, c. 103, s. 11. Where prior contributions withdrawn

30. The Treasurer is custodian of the Fund. 1965, c. 111, s. 5. Custodian of Fund

31. The Fund shall be audited by the Provincial Auditor, and he shall make an annual report in respect of the preceding fiscal year to the Treasurer, and the Treasurer shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1968-69, c. 103, s. 12. Audit

32.—(1) The interest of any person in the Fund or in any allowance, annuity, refund or other sum payable out of the Fund is not subject to garnishment, attachment, seizure or other process of law and, subject to subsection 2, is not assignable. 1965, c. 111, s. 7; 1966, c. 131, s. 20 (1). No attachment, etc.

(2) Where a former contributor who is entitled to a refund or a lump-sum payment from the Fund requests in writing to the Payments into other funds

Board to have the refund or payment paid into another registered pension plan or into a registered retirement savings plan, the refund or payment shall be so paid. 1966, c. 131, s. 20 (2).

Where
person
indebted
to Crown

33. Where a person who leaves the service of the Crown is indebted to the Crown, the amount of such indebtedness shall be deducted from any payment to which he or his personal representative is entitled under this Act. R.S.O. 1960, c. 332, s. 38.

Where no
personal
representative

34. Where a person dies in circumstances under which a refund under this Act is payable to his personal representative but there is no personal representative, the refund may be paid to such person as the Board determines. R.S.O. 1960, c. 332, s. 39.

Annual
report

35.—(1) The Board shall make a report annually to the Treasurer containing such information as the Treasurer requires. R.S.O. 1960, c. 332, s. 40 (1); 1960-61, c. 84, s. 17 (1), *amended*.

Idem

(2) The Treasurer shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1960-61, c. 84, s. 17 (2).

Cost of
administra-
tion

36. The cost of administration of this Act is payable out of the moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 332, s. 41.

Regulations

37. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the proofs to be furnished as a condition to the payment of an allowance or an annuity;
- (b) prescribing the times at which and the manner in which contributions to the Public Service Superannuation Fund shall be made by any class of contributors with respect to which special circumstances exist;
- (c) determining the maximum number of years of contribution to the Public Service Superannuation Fund, the maximum amount of contribution to that Fund or the maximum salary on which contributions to that Fund shall be reckoned;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 332, s. 42; 1960-61, c. 84, s. 18.

38. Nothing in this Act increases or decreases the amount of any allowance or annuity that was being paid or to which a former contributor had become entitled under this Act immediately before the 1st day of January, 1966. 1966, c. 131, s. 21.

Amount of
benefits
existing
before Jan. 1,
1966, not
changed



CHAPTER 388

The Public Service Works on Highways Act

1. In this Act,

Interpre-
tation

- (a) “appliances or works” means poles, wires, conduits, transformers, pipes, pipe lines or any other works, structures or appliances placed on or under a highway by an operating corporation;
- (b) “cost of labour” means,
 - (i) the actual wages paid to all workmen up to and including the foremen for their time actually spent on the work and in travelling to and from the work, and the cost of food, lodging and transportation for such workmen where necessary for the proper carrying out of the work,
 - (ii) the cost to the operating corporation of contributions related to such wages in respect of workmen’s compensation, vacation pay, unemployment insurance, pension or insurance benefits and other similar benefits,
 - (iii) the cost of using mechanical labour-saving equipment in the work,
 - (iv) necessary transportation charges for equipment used in the work, and
 - (v) the cost of explosives;
- (c) “operating corporation” means a municipal corporation or commission or a company or individual operating or using a telephone or telegraph service, or transmitting, distributing or supplying electricity or artificial or natural gas for light, heat or power and includes The Hydro-Electric Power Commission of Ontario;
- (d) “road authority” means the Department of Highways, a municipal corporation, board, commission, or other body having control of the construction, improvement, alteration, maintenance and repair of a highway and responsible therefor. R.S.O. 1960, c. 333, s. 1; 1965, c. 112, s. 1.

2.—(1) Where in the course of constructing, reconstructing, changing, altering or improving a highway it becomes necessary to take up, remove or change the location of appliances or works placed on or under the highway by the operating corporation, the

Notice to
operating
corporation
to take up
works

road authority may by notice in writing served personally or by registered mail require the operating corporation, without prejudice to their respective rights under section 3, so to do on or before the date specified in the notice.

Apportionment of costs of taking up

(2) The road authority and the operating corporation may agree upon the apportionment of the cost of labour employed in such taking up, removal or change, but, subject to section 3, in default of agreement such cost shall be apportioned equally between the road authority and the operating corporation, and all other costs of the work shall be borne by the operating corporation.

Minimum time interval

(3) The date specified in a notice under subsection 1 shall be as agreed upon by the road authority and the operating corporation, but in default of agreement shall be not less than sixty days after the date of the personal service or mailing of the notice.

Additional time

(4) An operating corporation may, upon such notice as the judge of the county or district court of the county or district in which the work or the greater part of it is situate directs, apply to the judge for an order altering to a later date the date specified in the notice given under subsection 1, and, if the judge finds that the physical or technical difficulties in complying with the notice require additional time, he may make such order as he considers appropriate.

Compensation

(5) Where a road authority incurs a loss or expense by reason of an operating corporation neglecting to take up, remove or change the location of appliances or works by the date specified in a notice given under subsection 1 or such date as altered by a judge under subsection 4, the operating corporation shall make due compensation to the road authority for such loss or expense, and a claim for compensation, if not agreed upon by the operating corporation and the road authority, shall be determined by the Ontario Municipal Board. 1965, c. 112, s. 2.

Apportionment of cost by Municipal Board

3. Where it is made to appear to the Ontario Municipal Board, upon application made to it, that the circumstances and conditions under which any of the appliances or works mentioned in section 2 have been placed on or under a highway, or that other special conditions render it unfair or unjust that the cost of taking up, removing or changing the location of the works should be apportioned and paid as provided in section 2, the Board, upon the application of the road authority or operating corporation, may apportion the cost of the taking up, removing or changing the works in such manner as appears to it to be equitable, and the decision of the Board is final and is not subject to appeal. R.S.O. 1960, c. 333, s. 3.

CHAPTER 389

The Public Trustee Act

1.—(1) The Lieutenant Governor in Council may appoint a member of the bar of Ontario of not less than five years standing to be Public Trustee, and may appoint such persons as officers, clerks and servants in the office of Public Trustee as are necessary for the purposes of this Act. Qualification and staff

(2) The Public Trustee is a corporation sole under the name “Public Trustee” with perpetual succession and an official seal, who may sue and be sued in his corporate name. R.S.O. 1960, c. 334, s. 1, *amended*. Public Trustee a corporation

2.—(1) The Lieutenant Governor in Council may appoint one or two persons to act as the deputy or the deputies, as the case may be, of the Public Trustee during his absence or illness, and while so acting each such deputy has all the powers and may perform any of the duties of the Public Trustee. Deputy or deputies

(2) In the case of the death of the Public Trustee, the deputy who in point of time is senior in appointment to office shall act as Public Trustee until the Public Trustee is appointed. R.S.O. 1960, c. 334, s. 2 (1, 2). Acting Public Trustee

3. In the case of the illness or absence of the Public Trustee or if the office becomes vacant and no deputy has been appointed, the Minister of Justice and Attorney General is *ex officio* Public Trustee until another appointment is made. R.S.O. 1960, c. 334, s. 3, *amended*. When Minister of Justice and Attorney General to act

4. The salaries or other remuneration of the Public Trustee and of the officers, clerks and servants in his office shall be fixed by the Lieutenant Governor in Council and may be paid out of the moneys that are appropriated by the Legislature for that purpose or out of any fund established under this Act, as the Lieutenant Governor in Council from time to time may direct. R.S.O. 1960, c. 334, s. 4. Salaries

5. The Public Trustee shall discharge the duties imposed upon him by *The Crown Administration of Estates Act*, *The Charities Accounting Act* and any other Act of the Legislature or by the Lieutenant Governor in Council, and he shall also make inquiries from time to time as to property that has escheated, or become Duties

R.S.O. 1970, cc. 99, 63

forfeited for any cause to the Crown, or in which the Crown in right of Ontario may be interested, and every person when required by the Public Trustee shall furnish him with such information as he requires, and in default of so doing is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1960, c. 334, s. 5, *amended*.

Powers in
conducting
inquiry
R.S.O. 1970,
c. 379

6. For the purposes of an inquiry under section 5, the Public Trustee has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. R.S.O. 1960, c. 334, s. 6.

Acceptance
and execu-
tion of
trusts

7.—(1) The Public Trustee may be granted letters probate or letters of administration and, with his consent in writing, may be appointed trustee of any will or settlement or other instrument creating a trust or duty in the same manner as if he were a private trustee. R.S.O. 1960, c. 334, s. 7 (1); 1966, c. 132, s. 1.

May be
appointed
sole trustee

(2) The Public Trustee may be appointed sole trustee although the trust instrument contemplates two or more trustees, and any person who is a trustee with the Public Trustee may at any time retire from the trust upon passing his accounts and paying over the balance. R.S.O. 1960, c. 334, s. 7 (2).

Fees and
charges

8.—(1) The Public Trustee shall make the charges prescribed by the regulations made under this Act for his services against every estate that comes to his hand to be dealt with.

To be
allowed
same fees
as private
trustee

(2) All fees, charges, and expenses that would be allowed to a private trustee shall be allowed to the Public Trustee and shall be collected and accounted for in the manner prescribed by the regulations made under this Act. R.S.O. 1960, c. 334, s. 8 (1, 2), *amended*.

Services of
staff may be
charged for

(3) Notwithstanding this or any other Act, the Public Trustee may in connection with any estate or trust administered or managed by him make a reasonable charge for any service performed by a member of the staff of his office where the service is one for which a charge would be allowed as a disbursement against the estate or trust if performed by a person retained, engaged or employed to perform such service by a private trustee, and every such charge shall for the purpose of such estate or trust be deemed to be a disbursement. R.S.O. 1960, c. 334, s. 8 (3).

Administra-
tion
fund

9.—(1) All fees, charges, remuneration, refunds of expenses, and all income of the office of every description shall be paid by the Public Trustee into a separate account as prescribed by the regulations made under this Act. R.S.O. 1960, c. 334, s. 9 (1), *amended*.

(2) There shall be paid out of such account the salaries or other remuneration and the expenses of the Public Trustee and the officers, clerks and servants in his office. R.S.O. 1960, c. 334, s. 9 (2). Payments out of account

(3) From any surplus in such account there may be established an assurance fund as provided by the regulations made under this Act. R.S.O. 1960, c. 334, s. 9 (3), *amended*. Assurance fund

(4) Notwithstanding *The Crown Administration of Estates Act*, the Lieutenant Governor in Council may direct that moneys coming to the hand of the Public Trustee under that Act shall be placed to the credit of such account and applied to the purposes of subsection 2. Moneys received under R.S.O. 1970, c. 99

(5) The Lieutenant Governor in Council may from time to time direct the payment into the Consolidated Revenue Fund of any balance at the credit of such account. R.S.O. 1960, c. 334, s. 9 (4, 5). Payment over of balances

(6) Payments into and out of such account shall be made in such manner and subject to such conditions as are prescribed in the regulations made under this Act. R.S.O. 1960, c. 334, s. 9 (6), *amended*. Manner of paying into and out of account

10.—(1) Where the Public Trustee acting in any capacity has in his hands property not exceeding \$2,000 in value of a person who has died and to which his personal representative is entitled, the production to the Public Trustee of, Delivery up of property \$2,000 or less in value

- (a) an authenticated copy of the probate of the will of the deceased, or of letters of administration of his estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, granted by any court in Canada having power to grant the same, or by any court or authority in a country of the Commonwealth or any colony, dependency or protectorate of any such country, or of any testament-testamentar or testament-dative expede in Scotland;
- (b) an authentic copy of the will of the deceased, if it is in notarial form according to the law of the Province of Quebec; or
- (c) if the deceased died elsewhere than in a place mentioned in clause a, any authenticated copy of the probate of his will, or of letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power in such matters,

is sufficient justification and authority for the delivering of such property in pursuance of and in conformity with such probate, letters of administration, or other document.

Deposit of
copy of
document

(2) When the authenticated copy or other document of like import is produced to the Public Trustee under subsection 1, there shall be deposited with him a true copy thereof. R.S.O. 1960, c. 334, s. 10.

Losses,
how to be
made good

11. All sums required to discharge any liability for a loss that the Public Trustee, if he were a private trustee, would be personally liable to discharge, shall be made good out of the assurance fund or out of the Consolidated Revenue Fund, but neither the Public Trustee nor any of his officers nor the assurance fund is liable for any loss that would not have imposed liability upon a private trustee. R.S.O. 1960, c. 334, s. 11.

Charitable
and public
trusts

12. The Public Trustee may accept and administer any charitable or public trust. R.S.O. 1960, c. 334, s. 12.

Investment
of money

R.S.O. 1970,
c. 166

13. Any money that is available for investment by the Public Trustee shall be invested in investments in which the Treasurer of Ontario and Minister of Economics may invest public money under section 12 of *The Financial Administration Act*. 1970, c. 4, s. 1.

Regulations

14. The Lieutenant Governor in Council may make regulations,

- (a) respecting the office of Public Trustee, imposing duties on the Public Trustee in addition to those imposed by this Act, and prescribing the trusts or duties he is authorized to accept or undertake under this Act, and the security, if any, to be given by the Public Trustee and his officers;
- (b) for fixing the fees and charges in the office of the Public Trustee and the application and disposal of the same;
- (c) respecting the transfer to and from the Public Trustee of any property;
- (d) respecting the accounts to be kept;
- (e) for the establishment of an assurance fund for the purpose of meeting any losses for which the office of Public Trustee may be liable;
- (f) fixing the rate of interest to be allowed upon money in the hands of the Public Trustee and fixing the amount of interest to be charged upon advances made on behalf of any estate and the custody and control of securities held by him for investments;
- (g) for constituting an advisory committee for the supervision of the investments or other dealings with property by the Public Trustee, and for providing for the remuneration by fees, or otherwise, of the members of the committee;

- (h) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 334, s. 14; 1967, c. 84, s. 1.

15.—(1) The members of the advisory committee of the Public Trustee are visitors of the office of Public Trustee. Advisory committee

(2) The committee may make such suggestions and recommendations with regard to the general policy respecting the management and conduct of the office of Public Trustee as is considered advisable. Suggestions

(3) The Public Trustee may consult with the committee from time to time as to methods of administration, staff and other matters relating to the office. Consultations

(4) The committee shall make an annual report to the Lieutenant Governor in Council respecting the performance of their duties and the exercise of their powers under this section. R.S.O. 1960, c. 334, s. 15. Annual report

16. Notwithstanding any rule or practice or any Act requiring security, it is not necessary for the Public Trustee to give any security for the due performance of his duty as executor, administrator, trustee, committee, or in any other office to which he may be appointed by order of any court or under any statute. R.S.O. 1960, c. 334, s. 16. Security by Public Trustee not necessary

17. The Provincial Auditor shall examine and report upon the accounts and financial transactions of the Public Trustee. 1967, c. 84, s. 2. Audit

CHAPTER 390

The Public Utilities Act

1. In Parts III, IV, V and VI, “public utility” means water, artificial or natural gas, electrical power or energy, steam or hot water. R.S.O. 1960, c. 335, s. 1. Interpretation

PART I

MUNICIPAL WATERWORKS

2.—(1) The corporation of a local municipality may, under and subject to the provisions of this Part, acquire, establish, maintain and operate waterworks, and may acquire by purchase or otherwise and may enter on and expropriate land, waters and water privileges and the right to divert any lake, river, pond spring or stream of water, within or without the municipality, as may be considered necessary for waterworks purposes, or for protecting the waterworks or preserving the purity of the water supply. R.S.O. 1960, c. 335, s. 2 (1). Establishment of works and expropriation of land, etc.

(2) The corporation may purchase the waterworks of any person situate within or in the neighbourhood of the municipality and may improve and extend them, and, for the purpose of any improvement or extension, may exercise all the powers conferred by this Part. Power to acquire existing works

(3) The council of the corporation may define an area in the municipality and may assess and levy on the rateable property in the area the cost of the waterworks including debenture charges, the cost of maintenance and management and the cost of the water, or any part thereof. R.S.O. 1960, c. 335, s. 2 (3, 4). Areas

3. Parts XV and XVI of *The Municipal Act* and *The Expropriations Act* apply to the exercise by the corporation of any of the powers conferred by this Part. R.S.O. 1960, c. 335, s. 3, *amended*. Application of R.S.O. 1970, cc. 284, 154

4.—(1) The corporation may construct and maintain, in and upon the land acquired by it, such reservoirs, water and other works, plant and machinery as may be requisite for the undertaking, and may, by pipes or otherwise, convey the water thereto and therefrom, in, upon and through any land lying between the reservoirs and waterworks and the lake, river, pond, spring or stream of water from which the water is procured or between them, or any of them, and the municipality. R.S.O. 1960, c. 335, s. 4 (1). Construction of necessary works

Power to enter on intermediate lands

(2) The corporation and its servants may for such purposes enter and pass upon and over such intermediate land, and may, if necessary, cut and dig up the same and lay pipes through it, and in, upon, through, over and under the highways, lanes and other public communications within or without the municipality, and in, upon, through, over and under the land of any person within the municipality. R.S.O. 1960, c. 335, s. 4 (2); 1962-63, c. 120, s. 2.

Duty of restoration

(3) All such highways, lanes or other public communications, and all land, not being the property of the corporation, shall be restored to their original condition without unnecessary delay.

Power to expropriate

(4) The corporation may purchase or expropriate, use and occupy such part of such intermediate land as it considers necessary for the making and maintaining of the works, or for the opening of new streets required for the same, or for the protection of the works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the pipes, and for distributing water to the inhabitants of the municipality, or for the uses of the corporation or of the owners or occupants of the land through or near which the pipes may pass. R.S.O. 1960, c. 335, s. 4 (3, 4).

Power to lay down pipes

5. For the purpose of distributing the water the corporation may sink and lay down pipes, tanks, reservoirs and other conveniences, and may from time to time alter their location or construction as the corporation considers advisable. R.S.O. 1960, c. 335, s. 5.

Service pipes

6.—(1) The service pipes shall be laid down from the main pipe to the line of the highway by the corporation, and the corporation is responsible for keeping the same in repair.

Laying of, from line of street to wall of building

(2) Where a vacant space intervenes between the outer line of a highway and the wall of a building or other place into which the water is to be taken, the corporation may, with the consent of the owner, lay the service pipe across the vacant space to the interior face of the outer wall and charge the cost thereof to the owner of the premises, or the owner may himself lay the service pipe, if it is done to the satisfaction of the corporation.

Expenses of laying

(3) The expense incidental to the laying and repairing of service pipes if laid or repaired by the corporation, except the repairing of the service pipes from the main pipe to the line of a highway, or of superintending the laying or repairing of the same if laid or repaired by any other person, is payable by the owner to the corporation on demand, and if not so paid may be collected in the same manner as water rates.

Expenses of superintending

(4) The expense of superintending the laying or repairing of a service pipe shall not exceed \$1. R.S.O. 1960, c. 335, s. 6.

7.—(1) The service pipes from the line of a highway to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks and apparatus placed therein by the corporation are under its control, and if any damage is done to that portion of the service pipe or its fittings the owner or occupant of the building shall forthwith repair the same to the satisfaction of the corporation, and, in default of his so doing, whether notified or not, the corporation may enter upon the land where the service pipe is and repair the same, and charge the cost thereof to the owner or occupant of the premises, and the cost may be collected in the same manner as water rates.

Service pipe to be under control of corporation

(2) The stopcock placed by the corporation inside the wall of the building shall not be used by the water taker, except in case of accident, or for the protection of the building or the pipe and to prevent the flooding of the premises.

Prohibition as to using stopcock

(3) Persons supplied with water by the corporation may be required to place only such taps for drawing and shutting off the water as are approved of by the corporation. R.S.O. 1960, c. 335, s. 7.

Approval of taps by corporation

8. The corporation may regulate the distribution and use of the water in all places where and for all purposes for which it may be required, and fix the prices for the use thereof, and the times of payment, and may erect such number of public hydrants and in such places as it may see fit, and may direct in what manner and for what purposes the same shall be used, and may fix the rate or rent to be paid for the use of the water by hydrants, fireplugs and public buildings. R.S.O. 1960, c. 335, s. 8.

Regulation of use of water and of rates

9.—(1) The corporation of every municipality having a system of waterworks shall supply water at all times to all public institutions situate therein or within three miles thereof and belonging to or maintained by the Province of Ontario at such rents, rates or prices as may be fixed by by-law of the corporation, but not exceeding those charged to manufacturers, but any expenditure on works beyond the limits of the municipality chargeable to capital account shall be borne and paid by the Province of Ontario.

Rates at which water to be supplied to provincial institutions

(2) For every contravention of subsection 1, the corporation is liable to a penalty of not more than \$500, recoverable by action at the suit of the Crown. R.S.O. 1960, c. 335, s. 9.

Penalty

10. The corporation is not liable for damages caused by the breaking of any service pipe or attachment, or for shutting off of water to repair or to tap mains, if reasonable notice of the intention to shut off the water is given. R.S.O. 1960, c. 335, s. 10.

Non-liability for breakage or stoppage

Power to
supply water
outside
municipality

11.—(1) A corporation may supply water to owners or occupants of land beyond the limits of the municipality.

Contracts
for supply
of water

(2) A corporation may enter into a contract for a term not exceeding twenty years for the supply of water,

(a) to any person within or beyond the limits of the municipality; and

R.S.O. 1970,
c. 118

(b) to any other municipality, as defined in *The Department of Municipal Affairs Act*, for its use or for resale or to the inhabitants thereof for their use,

and may renew any such contract.

Consent to
lay pipes

(3) Where water is supplied in a municipality that has a waterworks, no pipes for such purpose shall be carried in, upon, through, over or under any highway, lane or public communication within the municipality without the consent of the council thereof.

Laying of
pipes in
supplying
municipality

(4) Subject to sections 2 to 4, where a municipality contracts to purchase water from a municipal corporation, it may with the consent of the council of the supplying municipality enter upon the lands and streets within the supplying municipality to lay and maintain such pipes as are necessary to obtain the water from the waterworks system of the supplying municipality. R.S.O. 1960, c. 335, s. 11.

Power to
regulate
supply and
to prohibit
wrongful
use of
water

12. The corporation may pass by-laws for regulating the time, manner, extent and nature of the supply by the works, the building or persons to which and to whom the water shall be furnished, the price to be paid therefor, and every other matter or thing related to or connected therewith that it may be necessary or proper to regulate, in order to secure to the inhabitants of the municipality a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the corporation with regard to the water so supplied, and for providing that for a contravention of any such by-law the offender is guilty of an offence and on summary conviction is liable to a fine of not more than \$300 or may be imprisoned without the option of a fine for a term of not more than one month. R.S.O. 1960, c. 335, s. 12; 1965, c. 113, s. 1.

Prohibitions
and
penalties

13. Every person who,

(a) wilfully hinders or interrupts, or causes or procures to be hindered or interrupted the corporation, or any of its officers, contractors, agents, servants or workmen, in the exercise of any of the powers conferred by this Act;

(b) wilfully lets off or discharges water so that the water runs waste or useless out of the works;

- (c) being a tenant, occupant, or inmate of any house, building or other place supplied with water from the waterworks, lends, sells, or disposes of the water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another, or to any use and benefit other than his own, increases the supply of water agreed for, or improperly wastes the water;
- (d) without lawful authority wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stopcock, chamber, pipe, or hydrant-chamber, by placing on it any building material, rubbish, or other obstruction;
- (e) throws or deposits any injurious, noisome or offensive matter into the water or waterworks, or upon the ice, if the water is frozen, or in any way fouls the water or commits any wilful damage, or injury to the works, pipes, or water, or encourages the same to be done;
- (f) wilfully alters any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered; or
- (g) lays or causes to be laid any pipe or main to communicate with any pipe or main of the waterworks, or in any way obtains or uses the water without the consent of the corporation,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$300 or may be imprisoned, without the option of a fine, for a term of not more than one month. R.S.O. 1960, c. 335, s. 13; 1965, c. 113, s. 2.

14.—(1) For the purpose of assisting in the payment of any debentures issued for waterworks purposes, and the interest thereon, the corporation may impose a special tax in each year, during the currency of the debentures, not exceeding four mills in the dollar according to the assessed value thereof, upon the land fronting or abutting upon any highway, lane or other public communication in, through or along which the waterworks mains are laid, as well as all other land distant not more than 300 feet therefrom, which enjoy the advantage of the use of the water for the purpose of protection against fire, whether or not the owners or occupants thereof use the water for general purposes.

Power to
levy special
rate

(2) The collector of taxes, upon the production by an owner or occupant using the water of the receipt for the payment of the rate or rent chargeable for the use thereof during the year, or such proportion thereof as equals the special tax, shall remit or allow to the owner or occupant the amount so paid as a payment of or on account of the special tax. R.S.O. 1960, c. 335, s. 14.

Power to
remit
special tax

Construction of mains, etc., for benefit of individuals

15. If one or more property owners within a municipality applies to the council for the construction of water mains and other works necessary to connect their properties with the waterworks system of the corporation, the council may by by-law provide for the extension of the mains and pipes and for all other works necessary to make the connection, and for permitting the applicants to receive the benefit of the waterworks upon such terms as the council considers just, and the by-law may further provide that the cost of the work shall be charged as an annual special rate upon the land of the applicants, designated in the application, and the rate shall be payable whether or not the applicants or the owners for the time being of the lands continue to use the water. R.S.O. 1960, c. 335, s. 15.

Power to levy special rate

16.—(1) The corporation may impose a special rate or rent in respect of the cost or maintenance of a water main on persons who own or occupy land in the municipality or in a water area where the land fronts or abuts on a highway, lane or other public communication in, through or along which the main is laid, but no such person is liable to pay a special rate or rent in respect of the cost of the main where local improvement rates for the main have been or are being levied upon the land so owned or occupied.

Manner of collection

(2) The special rate or rent may be collected in the same manner and with like remedies as water rates or in the same manner and with like remedies as taxes under *The Municipal Act*. R.S.O. 1960, c. 335, s. 16, *amended*.

R.S.O. 1970, c. 284

PART II

MUNICIPAL PUBLIC UTILITY WORKS OTHER THAN WATERWORKS

Interpretation

17. In this Part, “public utility” means artificial and natural gas, electrical power or energy, steam or hot water. R.S.O. 1960, c. 335, s. 17.

Power of corporation to produce and supply public utilities

18.—(1) The corporation of any municipality may manufacture, procure, produce and supply for its own use and the use of the inhabitants of the municipality any public utility for any purpose for which the utility may be used, and for such purposes may purchase, construct, improve, extend, maintain and operate any works that may be considered requisite and may acquire any patent or other right for the manufacture, production or supply of any such public utility, and for any of the said purposes or for any purpose for which a public utility may be used, may acquire by purchase or otherwise fittings, fixtures, apparatus, appliances, machines, meters and other equipment and may supply or dispose of the same by sale, lease or otherwise and may provide for the installation and maintenance thereof in or upon the lands and premises of users of the public utility.

(2) The corporation may sell and dispose of coke, tar, and every other by-product or residuum obtained in or from its works, and any surplus coal it may have on hand. May sell by-products

(3) The corporation may purchase or rent such land and buildings as may be considered necessary for the purpose of its undertaking. R.S.O. 1960, c. 335, s. 18. May rent or purchase lands

19.—(1) Notwithstanding anything in this Act or in any general or special Act or in any contract heretofore or hereafter entered into, the corporation of any municipality or any municipal commission established under this or any other Act which supplies to any person electrical power or energy supplied to it by The Hydro-Electric Power Commission of Ontario may allocate and distribute its available power amongst its customers and interrupt or decrease the delivery of electrical power or energy under any contract at any time that its own supply of electrical power or energy is interrupted or decreased by The Hydro-Electric Power Commission of Ontario pursuant to *The Power Commission Act*. Allocation and distribution of available power
R.S.O. 1970, c. 354

(2) Nothing done under subsection 1 shall be deemed a breach of contract or entitles any person to rescind any contract or release any guarantor from performance of his obligations. R.S.O. 1960, c. 335, s. 19. No breach of contract

20. The corporation may acquire by purchase, lease or otherwise, or may expropriate any land in the municipality that may be required for its works or any extension thereof, and Part XV of *The Municipal Act* and *The Expropriations Act* apply where appropriate to the exercise by the corporation of the power to expropriate and of the power conferred by section 23. R.S.O. 1960, c. 335, s. 20, *amended*. Power to expropriate lands for works
R.S.O. 1970, cc. 284, 154

21. The corporation, for the purpose of any municipal public utility works, has and always has had authority to put down, carry, install, construct, erect and maintain such conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works as it considers necessary or desirable, on, over, under or across any highway, lane or other public communication or, with the consent of the owner of private property, on, over, under or across such private property and has and always has had authority to remove or replace any of them. R.S.O. 1960, c. 335, s. 21. Corporation may carry pipes, etc., on highways

22.—(1) The corporation may carry conduits, pipes, wires, rods, cables and other apparatus, devices, appliances and equipment to any part of any building within the municipality parts of which belong to the different owners, or are in possession of different tenants or occupants, passing over the property of any owner or of any tenant or occupant to convey the public utility to the part of the building to which it is to be conveyed. May carry pipes, etc., through buildings to serve other parts of buildings

Method

(2) Such conduits, pipes, wires, rods, cables and other apparatus, devices, appliances and equipment shall be carried up and attached to the outside of the building unless consent is obtained from the owner, tenant or occupant concerned to carry them in the inside of the building. R.S.O. 1960, c. 335, s. 22.

May break
up passages
common to
neighbouring
owners, etc.

23. The corporation may also break up and uplift all passages common to neighbouring owners, tenants or occupants, and dig or cut trenches therein, for the purpose of laying down conduits, pipes, wires, rods, cables and other apparatus, devices, appliances and equipment, or taking up, examining or repairing the same, and shall do as little damage as possible in the execution of the powers hereby conferred, and shall restore such passages to their original condition without unnecessary delay. R.S.O. 1960, c. 335, s. 23.

Contracts
for supply
of utility
R.S.O. 1970,
c. 118

24. The corporation may enter into a contract for the supply of a public utility to any person, including a municipality as defined in *The Department of Municipal Affairs Act*, for a term not exceeding twenty years, and may renew any such contract. R.S.O. 1960, c. 335, s. 24.

Power to
carry works
into adjoining
municipalities

25. A corporation possessing or intending to construct works under this Act may, under the authority of a by-law of an adjoining local municipality, exercise the like powers within the adjoining municipality, including the power to supply the public utility to owners and occupants of land in the adjoining municipality, as it may exercise within its own municipality upon such terms and conditions as may be agreed upon. R.S.O. 1960, c. 335, s. 25.

PART III

ALL MUNICIPAL PUBLIC UTILITIES

Application
of Part

26. This Part applies to all municipal corporations owning or operating public utilities. R.S.O. 1960, c. 335, s. 26.

By-laws for
maintenance
and manage-
ment of
works

27.—(1) The council may pass by-laws for the maintenance and management of the works and the conduct of the officers and others employed in connection with them, and may also by by-law or resolution fix the rates or charges for supplying the public utility and the charges to meet the cost of any work or service done or furnished for the purpose of a supply of a public utility, and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to consumers and provide for the collection of such rates, charges and rents, and the times and places when and where they shall be payable, and for allowing for prepayment or punctual payment such discounts as may be considered expedient.

(2) In fixing the rents, rates or prices to be paid for the supply of a public utility the corporation may use its discretion as to the rents, rates or prices to be charged to the various classes of consumers and also as to the rents, rates or prices at which a public utility shall be supplied for the different purposes for which it may be supplied or required.

Discretion
as to rates
to be
charged

(3) In default of payment the corporation may shut off the supply but the rents or rates in default are, nevertheless, recoverable. R.S.O. 1960, c. 335, s. 27 (1-3).

Power to
shut off
supply

(4) Where rates that are based on the water rates or charges charged or chargeable in respect of any land are imposed on the owners or occupants of such land in respect of the construction, operation or maintenance of sewage works or in respect of sewage service, the corporation may, in default of payment of the rates in respect of sewage works or sewage service, shut off the supply of water provided by the corporation to such land, but the rates in default are, nevertheless, recoverable.

Default of
payment of
sewer rate
or sewage
service rate

(5) In subsection 4, "sewage works" and "sewage service" mean sewage works and sewage service as defined in *The Ontario Water Resources Commission Act*.

Interpre-
tation
R.S.O. 1970,
c. 332

(6) The amount payable to a municipal corporation or to a public utility or hydro-electric commission of a municipality or to The Hydro-Electric Power Commission of Ontario is a debt and may be recovered by action in a court of competent jurisdiction. 1966, c. 133, s. 1.

Action to
recover
amount
payable

28. No rate to provide for the maintenance or management of any utility shall be levied except to the extent to which the revenues from the utility are insufficient for such purposes. R.S.O. 1960, c. 335, s. 28.

Amount of
rate

29.—(1) Where The Hydro-Electric Power Commission of Ontario changes the periodicity in alternations of current at which it supplies electrical power or energy to a municipal corporation or a commission, the corporation or commission may change the periodicity in alternations of current at which it supplies that electrical power or energy to any person, notwithstanding any agreement heretofore or hereafter made.

Change of
frequency

(2) Nothing done under subsection 1 shall be deemed a breach of contract by the municipal corporation or commission or entitles any person to rescind any agreement or release any guarantor from the performance of his obligation, or renders the municipal corporation or commission, its servants or agents liable in any action or other legal proceeding for damages or otherwise. R.S.O. 1960, c. 335, s. 29.

Conversion
not breach
of contract

Extent to which amount payable to form lien on land

30.—(1) The amount payable to a municipal corporation or to a public utility or hydro-electric commission of a municipality or to The Hydro-Electric Power Commission of Ontario for a period not exceeding three months by the owner or occupant of any lands for the public utility supplied to him for use thereon is a lien and charge upon the estate or interest in such land of the person by whom the amount is due and may be collected by distress upon the goods and chattels of the person and by the sale of his estate and interest in the lands.

Entry by clerk on collector's roll

(2) The clerk of the municipality shall, upon notice to him of the amount due and of the person by whom it is due and of the lands upon which a lien is claimed, enter the amount upon the collector's roll and the collector shall proceed to collect the amount from the goods and chattels and the estate or interest in the lands of the person liable in the same way, as nearly as may be, as municipal taxes are collected.

Right to distrain

(3) The municipal corporation or the public utility or hydro-electric commission, before taking proceedings under subsection 2, may itself distrain upon the goods and chattels of the person liable to pay for the amount due for any public utility supplied to him.

Determination of amount payable in case of dispute

(4) In the event of the owner of the goods and chattels or of the land disputing the amount payable for the public utility, the question of the amount due may be determined by the judge of the county court upon a summary application at the instance of either party and the collector's roll or distress warrant shall, if necessary, be amended in accordance with the findings of the judge. R.S.O. 1960, c. 335, s. 30.

Protection and powers of officers

31. The officers of the corporation, when acting in the discharge of their duties under this Act, are constables *ex officio*. R.S.O. 1960, c. 335, s. 31.

Limitation of actions

32. No action shall be brought against any person for anything done in pursuance of this Act, but within six months next after the act committed, or in case there is a continuation of damage, within one year after the original cause of action arose. R.S.O. 1960, c. 335, s. 32.

Property exempt from execution

33. Materials procured under contract with the corporation and upon which the corporation has made advances in accordance with the contract, are exempt from execution against the person who supplied or contracted to supply the materials. R.S.O. 1960, c. 335, s. 33.

Money borrowed to be a charge on works

34. The public utility works and the land acquired for the purpose thereof and the property appertaining thereto, are specially charged with the repayment of any sum borrowed by the

corporation for the purposes thereof, and for any debentures issued therefor, and the holders of the debentures have a preferential charge on such works, land and property for securing the payment of the debentures and the interest thereon. R.S.O. 1960, c. 335, s. 34.

35.—(1) Notwithstanding anything in *The Municipal Act*, the receipts arising from supplying any public utility or from property connected with the utility, after providing for the expenditures incurred for the maintenance and operations of the utility and after making any provision authorized by the council for a reserve fund established under section 308 of *The Municipal Act*, shall, quarterly or oftener if the council so directs, be paid over to the treasurer of the municipality and shall be placed to the credit of the utility in a separate account until the debentures and other forms of capital debt have been retired, and thereafter shall form part of the general funds of the municipality.

Excess of receipts over expenditures to be paid to municipal treasurer

R.S.O. 1970, c. 284

(2) Where debentures or other forms of capital debt are outstanding in any year against the utility, the treasurer of the municipality shall apply the receipts paid over under subsection 1 in payment of the amount required to be levied under any debenture by-law of the municipality for the construction, extension or improvement of the utility, or with the approval of the council or the Department of Municipal Affairs,

Application of receipts

- (a) in payment of temporary advances required for current expenditures of the utility pending the collection of revenue; or
- (b) in the reduction of any indebtedness incurred with respect to the works and equipment of the utility; or
- (c) in the maintenance, repair, renewal or extension of the utility; or
- (d) in establishing a reserve fund to be used at any future time for any purpose mentioned in this subsection. R.S.O. 1960, c. 335, s. 35 (1, 2).

(3) Except where a water works rate is imposed under section 362 of *The Municipal Act*, it is not necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of the utility, other than those issued under *The Local Improvement Act*, except to the extent to which the receipts paid over under subsection 1 are insufficient to meet the annual payments falling due on account of principal and interest of the debentures. R.S.O. 1960, c. 335, c. 35 (3); 1962-63, c. 120, s. 3.

Where levy of rate necessary

R.S.O. 1970, cc. 284, 255

(4) This section does not apply to any electrical public utility for which electrical power and energy are supplied by The

Electric utilities excepted

Hydro-Electric Power Commission of Ontario. R.S.O. 1960, c. 335, s. 35 (4).

Electrical
utilities

36. The receipts arising from supplying an electrical public utility for which electrical power and energy are supplied by The Hydro-Electric Power Commission of Ontario or from property connected with the utility, after providing for the expenditures incurred for the maintenance and operation of the utility and any payments required by *The Power Commission Act*, shall, quarterly or oftener if the council so directs, be paid over to the treasurer of the municipality to the extent and in such amounts as are necessary to provide for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works for the distribution of electrical power and energy, and it is not necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of the utility, other than those issued under *The Local Improvement Act*, except to the extent to which the receipts paid over hereunder are insufficient to meet the annual payments falling due on account of principal and interest of the debentures. R.S.O. 1960, c. 335, s. 36.

R.S.O. 1970,
c. 354, 255

Disposal
of public
utility
properties

37.—(1) Subject to subsections 4, 5 and 6 and notwithstanding section 34 the corporation may, free from any charge or lien, sell, lease or otherwise dispose of a public utility undertaking, or the whole or any part of the real or personal property acquired, held or used for or in connection with a public utility undertaking, which in the opinion of the council is no longer required for the purpose of the corporation or for the undertaking.

Application
of proceeds
of disposal

(2) The proceeds derived from any sale, lease or other disposition of such undertaking or property shall be applied in redemption and payment of any debentures of the corporation issued in respect of the public utility undertaking, or if there are no such debentures, then in case of sale or disposal of a portion only of the property the proceeds thereof shall be applied for the undertaking in connection with which the property was held or used and in case of sale or disposal of the whole of the property or of the undertaking the proceeds thereof shall form part of the general funds of the corporation, and any security received or held by the corporation for any part of the consideration payable on the sale, lease or other disposition shall stand as security for such debentures or be applied for the undertaking or form part of the general funds of the corporation, as the case may be.

Approval
necessary
as to appli-
cation of
proceeds

(3) In a case where there are no debentures to the redemption and payment of which proceeds derived from any sale or disposal of an undertaking or property may be applied, the proceeds may be applied in redemption of other debentures of the corporation or with the approval of the Ontario Municipal Board may be applied

for purposes of a capital nature; provided that where a portion only of the property of an undertaking for the supply of electrical power or energy obtained from The Hydro-Electric Power Commission of Ontario is sold or disposed of the proceeds shall be applied only as that Commission may approve.

(4) A corporation shall not sell, lease or otherwise dispose of the whole of a public utility undertaking or the whole of the property acquired, held or used for or in connection with a public utility undertaking without the assent of the electors qualified to vote on money by-laws first being obtained thereto in the manner provided by *The Municipal Act* with respect to a money by-law requiring the assent of the electors.

When
assent of
electors
requisite

R.S.O. 1970,
c. 284

(5) A corporation shall not sell, lease or otherwise dispose of a portion only of the property acquired or held for or in connection with a public utility undertaking so long as that portion is actually used for the purposes of the undertaking, except with the approval of the Ontario Municipal Board, and on such application the Board may direct that the assent of the electors qualified to vote on money by-laws shall first be obtained in the manner aforesaid.

When
approval of
Ontario
Municipal
Board
requisite
for sale

(6) A corporation shall not sell, lease or otherwise dispose of the whole of the public utility undertaking for the supply of electrical power or energy obtained directly or indirectly from The Hydro-Electric Power Commission of Ontario or of the whole of the property acquired, held or used for or in connection therewith or of any part thereof that is no longer required for the undertaking or for the purpose of the corporation, or for so long as the undertaking is being operated by or for the corporation, sell, lease or otherwise dispose of any part of the property that is actually used for the purposes of the undertaking without the assent of The Hydro-Electric Power Commission of Ontario first being obtained thereto.

When assent
of Power
Commission
requisite

(7) Where the powers of a corporation with respect to a public utility undertaking are exercised by a commission, the council shall, upon the request of the commission, submit to the qualified electors a by-law to authorize any sale, lease or other disposition of the undertaking or the whole or any part of the property acquired, held or used for or in connection therewith that under this section is required to be assented to by the electors.

Procedure
when a
commission
operates a
utility

(8) Subsections 4, 5 and 6 do not apply to a lease for a term not exceeding five years of a portion of the property of a public utility undertaking.

Short leases
excepted

(9) This section applies to sales, leases and other dispositions of a public utility undertaking and of any property acquired, held or used for or in connection with a public utility undertaking,

Application
of section

completed after the 1st day of March, 1931. R.S.O. 1960, c. 335, s. 37.

PUBLIC UTILITY COMMISSION

Establish-
ment of
municipal
commission

33.—(1) Subject to subsections 2 to 6, the council of a municipal corporation that owns or operates works for the production, manufacture or supply of any public utility or is about to establish such works, and the council of a township corporation that has entered into a contract with The Hydro-Electric Power Commission of Ontario for a supply of electrical power or energy in the township, may, by by-law passed with the assent of the municipal electors, provide for entrusting the construction of the works and the control and management of the works to a commission to be called “The Public Utilities Commission of the (*naming the municipality*),” or in the case of such township, “The Hydro-Electric Commission of the Township of (*naming the township*),” or to a commission established under this Part.

Appoint-
ment of
commission
for village
R.S.O. 1970,
c. 354

(2) Where the corporation of a village has entered into a contract with The Hydro-Electric Power Commission of Ontario under *The Power Commission Act* for a supply of electrical power or energy, a commission may be established by by-law of the council under this Part for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of such electrical power or energy, and it is not necessary that the by-law receive the assent of the electors.

Village
commissions
already
established

(3) Every such commission established by the council of a village before the 12th day of April, 1917 shall be deemed to have been lawfully established, and the by-law establishing the commission shall be deemed to be and to have been legal, valid and binding from the time of the passing thereof, notwithstanding that the by-law was passed and the commission was established without the assent of the electors first having been obtained.

Repeal of
village by-
law establish-
ing com-
mission

(4) A by-law passed by the council of a village for the establishment of a commission without the assent of the electors may be repealed by the council at any time and it is not necessary to obtain the assent of the electors to the repeal.

Assent of
electors

(5) Where a by-law establishing a commission in a village has been passed with the assent of the electors the by-law may be repealed with the like assent.

Effect of
repeal

(6) Upon the repeal of a by-law establishing a commission under this section, the control and management of the works are vested in the council and the commission ceases to exist. R.S.O. 1960, c. 335, s. 38.

39. A commission established under *The Municipal Light and Heat Act* or *The Municipal Waterworks Act*, being chapters 234 and 235 of The Revised Statutes of Ontario, 1897, or under a special Act for the construction or the control and management of works for the manufacture, production or supply of any public utility shall be deemed to be a commission established under this Part and the provisions of this Part apply to it. R.S.O. 1960, c. 335, s. 39.

Commissions established under R.S.O. 1897, cc. 234, 235 continued

40.—(1) Where a commission has been established under this Part as to any public utility and the corporation desires to entrust the control and management of any other public utility works to a commission, subject to subsection 3, such control and management shall be entrusted to the commission so established, or if there is more than one commission so established to one of them, or the by-law may provide for placing under the control and management of one commission all public utility works owned by the corporation.

One commission for several public utilities

(2) Where the construction of any other public utility works and the control and management of them is entrusted to any of the commissions mentioned in section 39, the commission thereafter shall be called “The Public Utility Commission of the (*naming the municipality*)”.

Name

(3) Where the corporation of a city or town has entered into a contract with The Hydro-Electric Power Commission of Ontario for the supply of electrical power or energy, a commission shall be established under this Part for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of such electrical power or energy, and for the purposes of this subsection it is not necessary that the by-law receive the assent of the electors, or such control and management shall be entrusted to an existing public utilities commission, and, where the commission is not entrusted with the control and management of any other public utility, it shall be called “The Hydro-Electric Commission of the (*naming the municipality*)”.

Special provisions as to Hydro-Electric Commission

(4) Subsection 3 is subject to any special Act providing for the control and management of such works.

Special Act not affected

(5) A by-law of the council, for the purposes mentioned in subsection 3, shall not be repealed without the consent of The Hydro-Electric Power Commission of Ontario.

Certain by-laws not to be repealed

(6) If no commission has been established under this Part to which the control and management of a sewerage system, to which paragraph 5 of section 368 of *The Municipal Act* applies, may be entrusted, a commission may be established under this Part for the control and management of the sewerage system, and the provisions of this Part apply to it. R.S.O. 1960, c. 335, s. 40.

Provision for management of sewerage system R.S.O. 1970, c. 284

Powers of
commission

41.—(1) Subject to subsection 4, where a commission has been established under this Part and the members thereof have been elected or where the control and management of any other public utility works are entrusted to a commission established under this Part, all the powers, rights, authorities and privileges that are by this Act conferred on a corporation shall, while the by-laws for establishing the commission or entrusting it with the control and management remain in force, be exercised by the commission and not by the council of the corporation.

Officers of
corporation
to hold
office

(2) The officers and employees of the corporation shall be continued until removed by the commission unless their engagement sooner terminates.

During
pleasure

(3) Every officer, employee and servant of a commission shall hold office during the pleasure of the commission.

Council
to provide
money
required
for works

(4) Nothing in this section divests the council of its authority with reference to providing the money required for the works, and the treasurer of the municipality shall, upon the certificate of the commission, pay out any money so provided, and nothing in this Act divests the council of the rights and powers conferred upon it by *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Limitations
on powers of
commission

(5) Where the construction or control and management of a public utility works belonging to a municipal corporation is entrusted to a commission,

- (a) no part of the works shall be undertaken in or extended into and no supply of the public utility shall be furnished to or in any other municipality by the commission without the consent of the council of the corporation to which the public utility works belong; and
- (b) no extensions, additions, enlargements, improvements or alterations in, of or to the works shall be undertaken by the commission without the consent of the council of the corporation to which the public utility works belong, if the cost or any part of the cost is intended to be provided for out of moneys that under section 35 are required to be paid to the treasurer of the municipality. R.S.O. 1960, c. 335, s. 41.

Number of
commis-
sioners

42.—(1) A commission established under this Part is a body corporate and shall consist of three or five members as may be provided by the by-law, of whom the head of the council shall be one *ex officio* and the others shall be elected at the same time and place and in the same manner as the head of the council, and subject to subsection 3 the elected members shall hold office for two years and until their successors are elected and the new commission is organized.

(2) When the commission functions in a defined area or areas, the members to be elected shall be elected by the electors of the area or areas, as the case may be.

Areas

(3) One-half of the first elected members shall hold office for two years and the other one-half for one year, and shall continue in office until their successors are elected and the new commission is organized.

Term of office

(4) At the first meeting of the commission after the first election the members who are to hold office for two years shall be chosen by lot.

Term of office to be determined by lot

(5) Where a commission has been in existence for not less than five years, the council of the corporation may by by-law provide that from the time of the municipal elections next ensuing the number of members of the commission,

Increasing or decreasing number of commission members

- (a) if it consists of three members, shall be increased to five members; or
- (b) if it consists of five members, shall be decreased to three members,

subject, however, to the assent of the electors if the existing number of members was established by a by-law passed with the assent of the electors.

(6) Where the number of members of a commission is to be increased to five members the elected member then holding office for a term that does not expire until the end of the next succeeding year shall not be affected and he may continue to hold office until the expiration of the term for which he was elected, and at the municipal elections next ensuing after the by-law is passed three members of the commission shall be elected of whom the two elected who receive the highest number of votes shall hold office for a term of two years and until their successors are elected and the third elected shall hold office for a term of one year and until his successor is elected.

Where the number is increased

(7) Where the number of members of a commission is to be decreased to three members, that one of the two members last elected for a term of two years who received the higher number of votes shall continue to hold office until the expiration of the term for which he was elected and the other three members shall hold office until the expiration of the then current year only; and at the municipal elections next ensuing after the by-law is passed, one member of the commission shall be elected to hold office for a term of two years and until his successor is elected.

Where the number is decreased

(8) Where in subsection 6 or 7 it is provided that the term of office of any member be determined in relation to the number of votes he received at his election and such determination is impossible by reason of an acclamation to office or there having

Acclamation or equality of votes

been an equality of votes at the election, the matter shall be determined by the casting of lots by the members affected.

Two-year
term

(9) At every election after the first municipal election the members or member to be elected as provided in subsection 6 or 7 shall be elected for a term of two years and until their respective successors are elected.

Head of
council not
affected

(10) Nothing in subsections 5, 6, 7 and 9 affects the *ex officio* membership in a commission of the head of the council.

Future
changes in
commission
membership

(11) Where the number of members of a commission is increased or decreased by a by-law passed under subsection 5, no further change in the number of members shall be made until the by-law has been in force for not less than five years.

Mode of
election
R.S.O. 1970,
c. 284

(12) Except where otherwise expressly provided, the provisions of Parts II, III and IV of *The Municipal Act* that are applicable to members of the council of a local municipality apply *mutatis mutandis* to the commissioners to be elected under this Part. R.S.O. 1960, c. 335, s. 42.

Filling of
vacancies

43.—(1) Where a vacancy in the commission occurs from any cause the council shall immediately appoint a successor who shall hold office during the remainder of the term for which his predecessor was elected.

Quorum

(2) A majority of the commissioners constitutes a quorum of the commission. R.S.O. 1960, c. 335, s. 43.

Salary of
commis-
sioners

44.—(1) The salary, if any, of the commissioners shall from time to time be fixed by the council and no member of the council, except the head thereof, shall at the same time be a member of the commission.

Approval of
salaries by
Power
Commission

(2) Where a commission is established that has the control and management of works constructed for the distribution of electrical power or energy supplied by The Hydro-Electric Power Commission of Ontario, the salary or other remuneration of the commissioners, so far as it is chargeable to such works, is subject to the approval of The Hydro-Electric Power Commission of Ontario, and when the approval has been given the salary or other remuneration shall not be changed or discontinued by the council without the consent of The Hydro-Electric Power Commission of Ontario.

Approval of
commission
as to share
of costs

(3) Where a commission is established that has the control and management of works constructed for the distribution of electrical power or energy supplied by The Hydro-Electric Power Commission of Ontario and also the control and management of works for one or more other public utilities, no utility shall be charged with more than its *pro rata* share, according to the number of utilities operated, of any costs, charges and expendi-

tures incurred or made by the commission for any joint purpose, including rents and the salaries of the joint employees without the consent and approval of The Hydro-Electric Power Commission of Ontario.

(4) Where electrical power or energy received under contract from The Hydro-Electric Power Commission of Ontario is being distributed in a municipality the electric utility shall not be charged with more than its *pro rata* share approved by The Hydro-Electric Power Commission of Ontario of any costs, charges and expenditures incurred or made jointly for the purpose of the utility and for any other municipal purpose including in such costs, charges and expenditures all rents and the salaries and wages of joint employees. R.S.O. 1960, c. 335, s. 44.

Approval of
Power
Commission
as to sharing
cost with
municipality

45.—(1) The council may, by by-law passed with the assent of the municipal electors, repeal any by-law passed under sections 38, 39 and 40.

Repeal of
by-law

(2) Where a by-law is repealed the council shall apportion the current year's salary of the commissioners, and any officer or employee of the commission shall be continued until removed by the council unless his engagement sooner terminates. R.S.O. 1960, c. 335, s. 45.

Apportion-
ment of
salaries

46.—(1) Separate books and accounts of the revenues derived from every public utility under its management shall be kept by the commission, and such books and accounts shall also be kept separate from the books and accounts relating to the other property, funds, or assets connected with such public utility, and such books and accounts shall be open to inspection by any person appointed for that purpose by the council.

Books and
accounts

(2) Subsection 1 is subject to section 9 of *The Department of Municipal Affairs Act*. R.S.O. 1960, c. 335, s. 46.

Idem
R.S.O. 1970,
c. 118

47.—(1) The commission shall on or before the 1st day of April in each year or upon such other day as the council may direct, furnish to the council a statement of affairs of each public utility undertaking, including in respect of each undertaking,

Annual
statement
to council

- (a) the number of customers supplied during the previous calendar year;
- (b) a balance sheet of assets and liabilities, including the value of the physical property, the amount of the sinking fund and the amount of current assets, also the amount of outstanding debentures and of current liabilities; and
- (c) a statement of revenue and expenditure, including the amount received from customers and the amount of other revenue, if any, also the amount expended for

operation and maintenance, improvements and extensions, and for salaries and other office and management expenses, and the amount paid or set aside for interest, principal and sinking fund on the debentures.

Information
for council

(2) The commission shall also furnish such information as may be required by the council at any time.

Audit of
accounts

(3) The accounts of the commission shall be audited by the auditors of the corporation, and the commission and its officers shall furnish to the auditors such information and assistance as may be in their power to enable the audit to be made.

Commis-
sion's
auditors

(4) The commission may, if it so desires, appoint auditors to audit the accounts of the commission, the expense to be borne by the utility. R.S.O. 1960, c. 335, s. 47.

Records of
proceedings

48. A book wherein shall be recorded all the proceedings of the commission shall be kept and shall be open to inspection by any person appointed for that purpose by the council. R.S.O. 1960, c. 335, s. 48.

PART IV

ALL MUNICIPAL AND COMPANY PUBLIC UTILITIES

Application
of Part

49. This Part applies to all municipal or other corporations owning or operating public utilities. R.S.O. 1960, c. 335, s. 49.

Inspection
of premises

50.—(1) Any person authorized by the corporation for that purpose has free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other premises to which any public utility is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any service pipe, wire or rod, within or without the building, or for placing meters upon any service pipe or connection within or without the building as he considers expedient and for that purpose or for the purpose of protecting or regulating the use of the meter, may set it or alter the position of it, or of any pipe, wire, rod, connection or tap, and may alter or disconnect any service pipe.

Prices for
use of
meters

(2) The corporation may fix the price to be paid for the use of the meter, and the times when and the manner in which the price shall be payable, and may also recover the expense of such alterations, and such price and the expense of such alterations may be collected in the same manner as rents or rates for the supply of a public utility.

(3) Where a consumer discontinues the use of the public utility, or the corporation lawfully refuses to continue any longer to supply it, the officers and servants of the corporation may, at all reasonable times, enter the premises in or upon which the consumer was supplied with the public utility, for the purpose of cutting off the supply of the utility or of making an inspection from time to time to determine whether the utility has been or is being unlawfully used or for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the corporation in or upon the premises, and may remove the same therefrom, doing no unnecessary damage.

Removal of fittings from premises of consumers

(4) Any corporation before supplying any public utility to any person or to any building or premises, or as a condition of continuing to supply the utility, may require any consumer to give reasonable security for the payment of the proper charges therefor or for carrying the public utility into the building or premises. R.S.O. 1960, c. 335, s. 50.

Power to require security from consumer

51. No property of the corporation used for or in connection with the supply of any public utility is liable to be seized for rent due to the landlord of any land or building whereon or wherein the property may be or under execution against the owner or occupant of the land or building. R.S.O. 1960, c. 335, s. 51.

Property of corporation exempt from distress

52. Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any public utility works, or to any plant, machinery, fitting or appurtenances thereof is liable to the corporation therefor. R.S.O. 1960, c. 335, s. 52.

Liability of persons doing damage

53. Every person who wilfully or maliciously damages or causes or knowingly suffers to be damaged any meter, lamp, lustre, service pipe, conduit, wire, rod or fitting belonging to the corporation, or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the meter indicates less than the actual amount of the public utility that passes through it, is guilty of an offence and on summary conviction is liable to a fine, to the use of the corporation, of not more than \$300 and for the expenses of repairing or replacing the meter, lamp, lustre, service pipe, conduit, wire, rod or fitting and double the value of the surplus public utility so consumed, all of which is recoverable under *The Summary Convictions Act*. R.S.O. 1960, c. 335, s. 53; 1965, c. 113, s. 3.

Penalty for wilful damage

R.S.O. 1970, c. 450

54. Every person who wilfully extinguishes any public lamp or light, or wilfully removes, destroys, damages, fraudulently alters or in any way injures any pipe, conduit, wire, rod, pedestal, post, plug, lamp or other apparatus or thing belonging to the corporation is guilty of an offence and on summary conviction is liable to a fine, to the use of the corporation, of not more than

Penalty for injuring public utility works

R.S.O. 1970, c. 450 \$300, and is also liable for all damages occasioned thereby, which are recoverable under *The Summary Convictions Act*. R.S.O. 1960, c. 335, s. 54; 1965, c. 113, s. 4.

Corporation to supply buildings on line of supply, on request

55. Where there is a sufficient supply of the public utility the corporation shall supply all buildings within the municipality situate upon land lying along the line of any supply pipe, wire or rod, upon the request in writing of the owner, occupant or other person in charge of any such building. R.S.O. 1960, c. 335, s. 55.

Prohibition as to laying main pipes and conduits within 6 feet of existing ones

56.—(1) Main pipes or conduits for carrying or conveying any public utility underground in any highway, lane or public communication shall not be laid down therein by a municipal corporation or company within the distance of six feet of the main pipes or conduits for carrying or conveying any public utility underground of any person without the consent of such person or the authority of the Ontario Municipal Board.

Ontario Municipal Board may grant leave to lay pipes within less than 6 feet

(2) The Board, upon the application of the corporation or company, and after notice to such person and hearing any objections that may be made, may authorize the main pipes or conduits to be laid down within such distance less than six feet as may be considered proper, and all main pipes and conduits laid down in accordance with such authority shall be deemed to have been laid down under statutory authority and to be lawfully laid down, and may be maintained and operated by the corporation or company without its incurring any liability to such person in respect of the construction, maintenance or operation of them, except that provided for by subsection 5, any general or special statute or law to the contrary notwithstanding.

Conditions

(3) Such authority may be granted subject to such conditions as the Board considers necessary to prevent injury to the main pipes or conduits of such person, or to such person, his servants and workmen, in maintaining, repairing and operating them.

Exercise of powers

(4) The powers conferred by this section may be exercised from time to time as occasion may require.

Compensation for damages

(5) If any damage or injury is done to the main pipes or conduits of such person, or is occasioned in the maintenance of them, by reason of the main pipes or conduits of the corporation or company being laid down at a distance less than six feet from the main pipes or conduits of such person, no action lies in respect thereof, but the corporation or company doing such damage or injury shall make due compensation therefor, and any question or dispute as to such damage or injury having been so done or occasioned, or as to the amount of compensation, shall be determined by arbitration, and the provisions of *The Municipal Act* apply *mutatis mutandis*.

R.S.O. 1970, c. 284

(6) The person claiming damages shall, within one month after the expiration of any calendar year in which he claims that any such damage or injury has been so done or occasioned, give notice in writing to the corporation of his claim and the particulars thereof, and upon failure to do so, the right to compensation in respect of the damage or injury done or occasioned during that calendar year is forever barred. R.S.O. 1960, c. 335, s. 56.

Claim for damages

PART V

ALL COMPANY PUBLIC UTILITIES

57. This Part applies to every company incorporated for the purpose of supplying any public utility. R.S.O. 1960, c. 335, s. 57.

Application of Part

58.—(1) The company shall not exercise any of its powers within a municipality unless a by-law of the council of the municipality has been passed with the assent of the municipal electors where such assent is required by *The Municipal Franchises Act* authorizing the company to exercise the power and the company when so authorized may exercise any of the powers of expropriation conferred on a municipal corporation by Parts I and II, if the power to expropriate is conferred on it by the letters patent incorporating the company or by supplementary letters patent.

Conditions precedent to company carrying on business or expropriating land
R.S.O. 1970, c. 289

(2) Subject to subsection 1, a company may conduct any of its pipes or carry any of its works through the land of any person lying within ten miles of the municipality for supplying which the company was incorporated. R.S.O. 1960, c. 335, s. 58 (1, 2).

Power to carry pipes through land within 10 miles of municipality

(3) *The Expropriations Act* applies to an expropriation under this section. R.S.O. 1960, c. 335, s. 58 (3), *amended*.

Expropriation
R.S.O. 1970, c. 154

59. If any person supplied with any public utility neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof, the company, or any person acting under its authority, on giving forty-eight hours previous notice, may stop the supply from entering the premises of the person by cutting off the service pipes or by such other means as the company or its officers consider proper, and the company may recover the rent or charge due up to that time, together with the expenses of cutting off the supply, notwithstanding any contract to furnish it for a longer time. R.S.O. 1960, c. 335, s. 59.

Remedy for price of public utility furnished

60. Where a natural gas company or natural gas transmitting company produces or transmits gas for export, the price or charge at which the gas shall be supplied is subject to regulation by the Lieutenant Governor in Council. R.S.O. 1960, c. 335, s. 60.

Charges by exporting gas companies

General
powers

61. The provisions of sections 5, 6 and 7, except as to the manner of recovering charges and expenses, sections 9, 10 and 11 as to making agreements for a supply of water to a railway company or manufactory, and sections 13, 17, 18, 21, 22, 23 and 24, apply *mutatis mutandis*, to a company. R.S.O. 1960, c. 335, s. 61.

PART VI

ACQUIRING WORKS FROM COMPANIES

Municipalities may
acquire
works of
company

62.—(1) Where a by-law of the council of an urban municipality is passed with the assent of the electors entitled to vote on money by-laws declaring that it is expedient to acquire the works of a company incorporated on or after the 10th day of March, 1882 for the purpose of supplying within the municipality any public utility, the corporation may take possession of the works of the company and all property used in connection therewith for the purposes of supplying the public utility, whether the works and property, or any of them, are within or without the municipality, and, except where the acquisition thereof results in expropriation to which *The Expropriations Act* applies, shall pay therefor at a valuation to be determined by arbitration under *The Municipal Act*, subject to the provisions hereinafter mentioned. R.S.O. 1960, c. 335, s. 62 (1), *amended*.

R.S.O. 1970,
cc. 154, 284

Mode of
computing
value

(2) The arbitrators, in determining the amount to be paid for the works and property, shall first determine the actual value thereof, having regard to what they would cost if the works should be then constructed or the property then bought, making due allowance for deterioration, wear and tear, and all other proper allowances, and shall increase the amount so ascertained by 10 per cent thereof, which increased sum the arbitrators shall award as the amount to be paid by the corporation to the company, with interest from the date of their award.

Time within
which
amount to
be paid

(3) The amount shall be paid within six months from the date of the award, and the council shall take all requisite steps for providing the amount, and it is not necessary that a by-law passed for borrowing the amount shall receive the assent of the electors.

Determina-
tion of
value
without
assent of
electors

(4) The council may, without submitting the question to the vote of the electors, take the proceedings authorized by subsection 1 for determining the amount to be paid for the works and property, upon notice to the company that the corporation intends to acquire the works and property by arbitration under the provisions of this Act; but in such case any by-law for raising money to pay therefor requires the assent of the electors and until

the by-law is finally passed, the corporation shall not, unless with the consent of the company, take possession of the works or property, and in the event of the by-law not being passed, the corporation shall indemnify the company for all costs it has been put to in and about the arbitration.

(5) The council and the company may agree as to the amount to be paid for the works and property or any of them.

Amount may be settled by agreement

(6) If the amount awarded or agreed to be paid to the company is not paid within six months after the time at which it is payable, the company may resume possession of its works and property, and all its rights in respect thereof thereupon revive.

If amount not paid, rights of company to revive

(7) Any company incorporated before the 10th day of March, 1882, may, by by-law, declare that the company consents to be bound by the provisions of this section, and upon the passing of the by-law, this section applies to the company.

Certain companies may consent to be bound by section

(8) A by-law may be passed under subsection 1, with respect to a company incorporated before the 10th day of March, 1882, if an agreement has been made between the company and the corporation under which the corporation has the right at any time, or at any time after a date thereby fixed, not being later than ten years from the date of the agreement, to acquire the works of the company and all property used in connection therewith for such purposes, at a valuation to be determined by arbitration under *The Municipal Act*.

Limitations as to by-laws

R.S.O. 1970, c. 284

(9) Nothing in this section affects the right of a municipal corporation to acquire the works and property of any public utility company by agreement with the company, or any right of acquisition that has been or may be secured by any such corporation independently of the provisions of this section. R.S.O. 1960, c. 335, s. 62 (2-9).

Certain rights not affected

63.—(1) Subject to *The Municipal Act*, the corporation of any municipality that has power to construct such works, and in which the public utility works of a company are situate, may subscribe for shares or take stock in the company or may loan money to it on mortgage or otherwise or guarantee payment of money borrowed by it.

Power to subscribe for stock, etc.

(2) The head of a municipality the corporation of which holds stock in any such company to the extent of one-tenth or more of the whole of the capital stock is *ex officio* a director of the company so long as the corporation continues to hold stock to that extent. R.S.O. 1960, c. 335, s. 63.

When the head to be a director

PART VII

COMMISSION FOR RAILWAYS, BUS TRANSPORTATION
SYSTEMS AND TELEPHONES

Commission
to construct
and manage
railways
and tele-
phones

64. The council of a municipal corporation that owns or operates or is about to establish,

- (a) a railway, an electric railway, a street railway, an incline railway or a bus transportation system; or
- (b) telephone systems or lines,

may, by by-law passed with the assent of the municipal electors, provide for entrusting the construction of the work and the control and management of it to a commission, to be called "The Public Service Commission of the (*naming the municipality*)" or to an existing public utilities commission established under this Act, and if such a by-law is passed, the provisions of sections 35 and 38 to 48 apply *mutatis mutandis* to the commission to which the construction, control and management of the work are entrusted and to the work. R.S.O. 1960, c. 335, s. 64; 1960-61, c. 85, s. 1 (2).

PART VIII

MISCELLANEOUS

Certain provisions of
R.S.O. 1970,
c. 354 not
affected

65. Nothing in this Act affects sections 95 to 103 of *The Power Commission Act*, and they continue to apply to the cases to which they now apply. R.S.O. 1960, c. 335, s. 65.

Prohibition
of sale of
gas contain-
ing sulphur-
etted hydrogen

66.—(1) After they have been submitted to and approved of by the Lieutenant Governor in Council, by-laws may be passed by the councils of all municipalities to prohibit the sale or distribution within the municipality of natural or manufactured gas containing sulphuretted hydrogen.

Forfeiture
of franchise
for contra-
vention of
by-law

(2) If a company contravenes the provisions of any such by-law or after the passing of such by-law neglects or refuses to furnish a supply, sufficient for all public and private uses, of gas not containing sulphuretted hydrogen, any right, privilege or franchise that it possesses for the sale or distribution of natural or manufactured gas within the municipality *ipso facto* comes to an end and is determined.

Application
to Ontario
Energy
Board for
declaration
as to con-
travention

(3) The corporation may apply to the Ontario Energy Board for a declaration that the company has contravened the provisions of the by-law, or that, after the passing of the by-law, it has neglected or refused to supply gas not containing sulphuretted hydrogen, as provided by subsection 2, and the Board on proof to its satisfaction that the company has done so may make the

declaration, and the fact of such contravention or neglect or refusal is thereby conclusively established.

(4) After the passing of the by-law, the corporation also has the right to bring and maintain an action to restrain the sale or distribution within the municipality of natural or manufactured gas containing sulphuretted hydrogen. Right of action to restrain sale

(5) Upon application by a municipal corporation to the Ontario Energy Board and upon proof of the sale or distribution of natural or manufactured gas containing sulphuretted hydrogen within the municipality after the passing of a by-law prohibiting the same, an order shall be made for the removal by the company so selling or distributing, of its conduits, mains, pipes and works from the municipality, but not including those used only for the purpose of transportation through the municipality to another municipality, and in default of such removal within the time limited by the order, then for the removal thereof by the corporation at the expense of the company. Removal of mains, pipes

(6) Upon such removal, the company shall restore the highways to as good a condition as they were in prior to the removal and in default thereof within the time limited by the order of the Ontario Energy Board, the corporation may do so at the expense of the company, and the expense incurred by the corporation in such removal and restoration is recoverable in a court of competent jurisdiction. Restoration of condition of highways

(7) This section applies to every company incorporated before or after the passing of this section and whether by special or general Act. Application of section

(8) No action lies or is maintainable by a company against any municipal corporation for or by reason or on account of the forfeiture under this section of any right, privilege or franchise of the company in the municipality. R.S.O. 1960, c. 335, s. 66. No action for forfeiture of franchise

CHAPTER 391

The Public Utilities Corporations Act

1. In this Act, “public utility” means any water works, gas works, electric heat, light or power works, telegraph and telephone lines, railways however operated, street railways and works for the transmission of gas, oil, water or electrical power or energy, or any similar works supplying the general public with necessities or conveniences. R.S.O. 1960, c. 336, s. 1.

Interpretation

2.—(1) Where the undertaking of a company operating a public utility incorporated under a general or special Act of the Legislature has been, since the 19th day of February, 1907, or hereafter is declared by the Parliament of Canada to be a work for the general advantage of Canada, or absorbed by or amalgamated with or controlled or operated by any other company whose undertaking is or has been declared a work for the general advantage of Canada, or which is not subject to the legislative control of Ontario, the Lieutenant Governor in Council may declare that all or any of the powers, rights, privileges and franchises conferred upon the first-mentioned company by letters patent or by any general or special Act of the Legislature shall be forfeited and thereupon all such powers, rights, privileges and franchises so declared to be forfeited cease and determine, and every municipal by-law passed and every agreement entered into with any municipal corporation authorizing the company to carry on business or granting to it any right, privilege or franchise also thereupon becomes void and is of no effect, and the company forfeits all claim to any bonus or other aid granted by any municipal corporation or by the Legislature.

Forfeiture of rights by company passing out of jurisdiction of Province

(2) Nothing in this section affects the validity of any debenture issued by a municipal corporation for payment of any such bonus in the hands of a *bona fide* holder for valuable consideration, nor the claim of any *bona fide* creditor of the company. R.S.O. 1960, c. 336, s. 2.

Bonus debentures not affected

3.—(1) Notwithstanding anything in any Act, a municipal corporation shall not enter into any agreement with any such company or pass any by-law in relation to any public utility that has been declared to be a work for the general advantage of Canada, or that is not within the legislative control of Ontario, until the Lieutenant Governor in Council has approved of the agreement or by-law, and every agreement entered into and

Approval of Lieut. Gov. in Council required to certain agreements

by-law passed in contravention of this section is void and of no effect.

Idem

(2) The Lieutenant Governor in Council may, from time to time, in advance of such agreements or by-laws, approve of any class or description of such agreements or by-laws in regard to any corporation named in the order in council. R.S.O. 1960, c. 336, s. 3.

CHAPTER 392

The Public Vehicles Act**1.** In this Act,Interpre-
tation

- (a) “Board” means the Ontario Highway Transport Board;
- (b) “compensation” includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly;
- (c) “Department” means the Department of Transport;
- (d) “highway” means a highway as defined in *The Highway Traffic Act*; R.S.O. 1970,
c. 202
- (e) “Minister” means the Minister of Transport;
- (f) “operating licence” means a public vehicle operating licence issued under this Act;
- (g) “public vehicle” means a motor vehicle operated on a highway by, for or on behalf of any person for the transportation for compensation of passengers, or passengers and express freight that might be carried in a passenger vehicle, but does not include the cars of electric or steam railways running only upon rails, taxicabs, nor motor vehicles operated solely within the corporate limits of one urban municipality;
- (h) “regulations” means the regulations made under this Act;
- (i) “taxicab” means a motor vehicle as defined in *The Highway Traffic Act* having a seating capacity of not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip;
- (j) “toll” means any fee or rate charged, levied or collected by any person for the carriage of passengers and express freight by a public vehicle;
- (k) “vehicle licence” means a public vehicle licence issued under this Act. R.S.O. 1960, c. 337, s. 1.

2.—(1) Notwithstanding the provisions of any private Act, no person shall operate a public vehicle,

Operating
licence
required

- (a) except under an operating licence; or
- (b) in contravention of the terms and conditions of the operating licence.

Vehicle
licence
required

(2) Notwithstanding the provisions of any private Act, no person shall operate a public vehicle unless the vehicle is licensed as a public vehicle under this Act.

Advertising
by unlicensed
persons

(3) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of passengers by means of a vehicle operated on a highway by, for or on behalf of any person who receives compensation, either directly or indirectly, for such transportation, unless the person by, for or on behalf of whom the vehicle is operated is licensed under this Act to perform the transportation that is the object of such advertising or undertaking. R.S.O. 1960, c. 337, s. 2.

Approval
of Board

3.—(1) No operating licence shall be issued without the approval of the Board being first obtained as evidenced by the Board's certificate of public necessity and convenience furnished to the Minister, and then only in accordance with the certificate.

Renewal
of licence

(2) The approval of the Board to a renewal of a licence is not required unless the Minister refers the application for renewal to the Board.

Transfer
of licence

(3) The Minister may refer any application for the transfer of an operating licence to the Board.

Alteration
of licence

(4) The Minister may at any time refer an operating licence to the Board with a recommendation that the terms and conditions of the licence be reviewed.

Powers of
Board

(5) On any application or reference to the Board, the Board has and may exercise all powers necessary for the purposes of this Act, and may give or refuse such certificate and make such order as it considers just. R.S.O. 1960, c. 337, s. 3.

Issue or
transfer
of shares
of corpora-
tion

4. The Minister may in his discretion require the directors of a corporation that is the holder of an operating licence to present to the Board for approval any issue or transfer of shares of its capital stock and, where in the opinion of the Board a substantial interest is issued or transferred, such issue or transfer shall be deemed to constitute a transfer of all operating licences held by such corporation. R.S.O. 1960, c. 337, s. 4.

Issue of
licences

5. Operating and vehicle licences shall be issued by the Minister and are subject to the regulations and the terms and conditions in the licence. R.S.O. 1960, c. 337, s. 5.

Special
rights

6. An operating licence may confer special, exclusive or limited rights with respect to the operation of public vehicles and with

respect to any highway or highways or portions thereof described in the licence. R.S.O. 1960, c. 337, s. 6.

7.—(1) A vehicle licence may fix the number of passengers or tonnage of express freight, or both, that the vehicle may carry and, subject to subsection 1 of section 16, no vehicle shall at any time carry more passengers or more tonnage than is fixed by the licence.

Number of
passengers
and tonnage
of freight

(2) Every public vehicle shall, while operated on a highway, have attached thereto and exposed in a conspicuous position a licence plate issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year. R.S.O. 1960, c. 337, s. 7.

Licence
plate to
be plainly
exposed

8.—(1) Subject to subsections 2 and 3, a person holding an operating licence may operate his vehicle in and through any municipality covered by the licence without holding a licence or complying with the rates or fares prescribed under any by-law of any such municipality.

Municipal
licence and
fares,
when not
applicable

(2) Where such a person takes on passengers or express freight within the limits of an urban municipality and discharges such passengers or express freight within the limits of that municipality, he may be required to obtain a licence under a by-law of that municipality and shall, as to such passengers and express freight, comply with any tariff of fares or rates established by by-law of that municipality.

when
applicable

(3) The council of any such municipality may, with the approval of the Minister, designate by by-law the streets within the municipality over which the person holding the licence may operate his vehicle. R.S.O. 1960, c. 337, s. 8.

Designation
of streets

9. The council of any city may pass a by-law requiring a person holding an operating licence who operates a public vehicle over a route partly within and partly without the limits of the city to pay to the city a fee or charge not being in the nature of a licence fee, and the by-law shall not come into effect until approved by the Minister who shall fix the fee to be charged. R.S.O. 1960, c. 337, s. 9.

Payment
of annual
charge
to city

10.—(1) No tolls shall be charged until a tariff thereof has been filed with and approved by the Minister, nor shall any tolls be charged under any tariff or portion thereof not approved by the Minister.

Tolls

(2) A tariff of tolls approved by the Minister is subject to revision by the Minister at any time, and no tolls shall thereafter be charged except in accordance with the revised tariff. R.S.O. 1960, c. 337, s. 10.

Tariffs
subject to
revision by
Minister

Cancellation
and
suspension
of licences
R.S.O. 1970,
c. 202

11. The Minister may at any time cancel or suspend any licence by reason of a breach of this Act or *The Highway Traffic Act* or of the regulations hereunder or thereunder, or for any reason set out in the regulations. R.S.O. 1960, c. 337, s. 11.

Transfer
of licences

12. No operating licence shall be transferred except with the written approval of the Minister. R.S.O. 1960, c. 337, s. 12.

Prohibition
as to
drinking

13. No driver or operator of a public vehicle carrying passengers shall drink any intoxicating liquor during the time he is on duty, or at any time use intoxicating liquor to excess. R.S.O. 1960, c. 337, s. 13.

Smoking

14. No driver or operator of a public vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance while driving the vehicle. R.S.O. 1960, c. 337, s. 14.

Right of
person to be
transported

15. Subject to the conditions of the operating licence, no driver or operator of any public vehicle shall refuse to carry any person offering himself at any regular stopping place for carriage and who tenders the regular fare to any regular stopping place on the route of the vehicle or between the termini thereof, unless at the time of such offer the seats of the vehicle are fully occupied, but the driver or operator of a public vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane or obscene language. R.S.O. 1960, c. 337, s. 15.

Passengers
not to be
allowed on
running
board, etc.

16.—(1) No driver or operator shall allow passengers to ride on the fenders or any other part of a public vehicle other than the seats thereof, except that a vehicle may carry as standing passengers in the aisles thereof not more than one-third the number of persons for which seats are provided.

Restrictions
as to
seating

(2) No driver or operator of a public vehicle shall permit or allow on the front seat of the vehicle more passengers than the seat is designed to carry, exclusive of the driver, or permit or allow any passenger to occupy any other portion of the vehicle forward of the back of the driver's seat.

Beside
driver

(3) No passenger shall be allowed to sit on the front seat to the left of the driver of a left-hand drive motor vehicle, or to the right of the driver of a right-hand drive motor vehicle. R.S.O. 1960, c. 337, s. 16, *amended*.

Trailers
prohibited

17. Except when specially authorized by the Minister, no person shall operate a public vehicle with any trailer or other vehicle attached thereto, but where a vehicle becomes disabled on a trip and is unable to proceed on its own power, the vehicle may

be towed to the nearest point where repair facilities are available. R.S.O. 1960, c. 337, s. 17.

18. A public vehicle shall not carry or transport any luggage, baggage, package, trunk, crate or other load that extends beyond the body limits of the vehicle. R.S.O. 1960, c. 337, s. 18, *amended*. Luggage

19.—(1) Every public vehicle shall have at least two doors or exits, one of which, to be used only in an emergency, shall be at the rear of the vehicle or near the rear on the left side of the vehicle. Exits

(2) The Lieutenant Governor in Council may make regulations prescribing exits to be used only in an emergency in lieu of those required in subsection 1. R.S.O. 1960, c. 337, s. 19. Regulations

20. Every person licensed under this Act shall provide or effect and carry such insurance or bond as is prescribed by the regulations. R.S.O. 1960, c. 337, s. 20. Insurance

21.—(1) Every insurer who has issued a policy of insurance in accordance with section 20 shall issue a certificate thereof which shall be filed with the Minister. Certificate of insurance

(2) Such certificate shall be deemed to be a conclusive admission by the insurer that the policy has been issued and is in accordance with the terms of the certificate. Effect of certificate

(3) Every insurer shall notify the Minister in writing of the cancellation or expiry of any policy for which a certificate has been issued at least thirty days before the effective date of the cancellation or expiry, and in the absence of such notice of cancellation or expiry, the policy remains in full force and effect. R.S.O. 1960, c. 337, s. 21. Notice of cancellation or expiry of insurance

22. A bond issued in accordance with section 20 shall not be cancelled or expire except after thirty days written notice to the Minister, but not after the happening of an injury or damage secured by the bond as to such accident, injury or damage, and the bond shall be filed with the Minister. R.S.O. 1960, c. 337, s. 22. Cancellation or expiry of bond

23. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$200. R.S.O. 1960, c. 337, s. 23 (1); 1968-69, c. 104, s. 1. Offences

24. No prosecution shall be instituted under this Act without the consent of a member of the Ontario Provincial Police Force or of an officer of the Department designated by the Minister to assist in the enforcement of this Act. R.S.O. 1960, c. 337, s. 24. Consent to prosecutions

Regulations

25. The Lieutenant Governor in Council may make regulations,

- (a) governing the issue, renewal, transfer, suspension and cancellation of licences;
 - (b) prescribing fees and the basis for computing fees, and respecting payment thereof;
 - (c) prescribing terms and conditions to which licences shall be subject;
 - (d) fixing the form, amount, nature, class, terms and conditions of insurance or bond that shall be provided and carried by persons licensed under this Act;
 - (e) prescribing the terms and conditions of cancellation, expiry, renewal, extension and notice of cancellation respecting such insurance or bonds;
 - (f) governing the filing of bonds and certificates of insurance;
 - (g) respecting the publication, filing and posting of tariffs of tolls, and the payment of tolls;
 - (h) providing for the examination of public vehicles, their contents and equipment by officers of the Department and members of the Ontario Provincial Police Force;
 - (i) prescribing, regulating and limiting the hours of labour of drivers of public vehicles;
 - (j) prescribing the qualifications of drivers of public vehicles;
 - (k) prescribing the condition in which public vehicles shall be kept, and prescribing the equipment to be carried by public vehicles and the condition and location in which the equipment shall be kept;
 - (l) defining chartered trips, special trips, and school buses, and prescribing special terms and conditions with respect to such trips and buses;
 - (m) providing for the delegation to an officer of the Department of such of the powers and duties of the Minister as may be considered necessary;
 - (n) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 337, s. 25.
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CHAPTER 393

The Public Works Act**1.** In this Act,Interpre-
tation

- (a) “Board” means the Ontario Municipal Board;
- (b) “conveyance” includes a surrender to the Crown;
- (c) “Department” means the Department of Public Works;
- (d) “land” includes any estate, term, easement, right or interest in, to, over of affecting land;
- (e) “lease” includes an agreement for a lease;
- (f) “Minister” means the Minister of Public Works;
- (g) “owner” includes a mortgagee, lessee, tenant, occupant, person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;
- (h) “public work” means the dams, hydraulic works, hydraulic privileges, harbours, wharfs, piers, docks and works for improving the navigation of any water, the lighthouses, and beacons, the slides, dams, piers, booms and other works for facilitating the transmission of timber, the roads and bridges, the public buildings, the telegraph lines, Government railways, canals, locks, drydocks, and all other property belonging to Ontario, and includes all works and properties acquired, constructed, extended, enlarged, repaired, equipped or improved at the expense of Ontario, or for the acquisition, construction, repairing, equipping, extending, enlarging or improving of which any public money is appropriated by the Legislature, and every work required for any such purpose, but not any work for which money is appropriated as a subsidy only;
- (i) “registry office” means the registry office or the land titles office for the registry division or locality, as the case may be, in which the land is situate;
- (j) “superintendent” means the superintendent of the public work of which he has, under the Minister, the charge and direction;
- (k) “surrender” includes a conveyance to the Crown, or to the Minister, or to any officer of the Department, in

trust for or to the use of the Crown. R.S.O. 1960, c. 338, s. 1, *amended*.

Function of
Minister

2. The Minister shall preside over and have charge of the Department. R.S.O. 1960, c. 338, s. 2.

Deputy
Minister

3. A Deputy Minister of Public Works shall be appointed by the Lieutenant Governor in Council who shall perform such duties as are assigned to him by the Lieutenant Governor in Council or by the Minister. R.S.O. 1960, c. 338, s. 3.

Staff
R.S.O. 1970,
c. 386

4.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act* as are required from time to time for the proper conduct of the business of the Department.

Queen's
Printer
and
Publisher

(2) The Lieutenant Governor in Council may, by order, appoint the Queen's Printer and Publisher for Ontario who shall then be an officer of the Department and who shall exercise such printing and publishing functions for the Government as are assigned to the Queen's Printer and Publisher by law or as may be assigned to him by the Minister. 1970, c. 110, s. 1.

Tenders for
public works

5.—(1) Before the Minister, for and in the name of the Crown, enters into a contract in respect of the construction, renovation or repair of public work, he shall invite tenders therefore except,

(a) in cases of emergency where in the opinion of the Minister delay would be damaging; or

(b) where the estimated cost of the work is less than \$10,000,

and the Minister shall report all cases referred to in clause *a* to the Legislature annually.

Security for
performance

(2) The Minister may require and take security by way of bond with or without collateral security or by way of deposit of money for the due performance of any contract entered into under this Act. 1970, c. 110, s. 2.

Attestation
of accounts

(3) The Minister may require any account sent in by any person employed by the Department to be attested on oath.

Power to
hold inquiry
on oath

(4) The Minister may send for and examine on oath all such persons as he considers necessary touching any matter upon which his action is or may be required, and may cause such persons to bring with them such papers, plans, books, documents and things as it may be necessary to examine with reference to such matter, and may pay such persons a reasonable compensation for their time and disbursements, and every such person shall attend at the summons of the Minister after due notice and in default is guilty of an offence and on summary conviction is liable to a fine of not more than \$20.

(5) The Minister shall submit to the Lieutenant Governor an annual report of all the works under the control of the Department, showing the state of each work, the amounts expended in respect thereof, and such further information as is requisite to enable the Assembly to judge of the work of the Department.

Annual
report of
Minister

(6) Such report shall be laid before the Assembly within twenty-one days after the commencement of the next session. R.S.O. 1960, c. 338, s. 5 (4-7).

Presenta-
tion

6. Where a payment is to be made by the Minister under this Act, it shall be made out of the money appropriated by the Legislature for that purpose, and not otherwise, and the Minister is not personally liable therefor or for any proceedings had or taken by virtue of this Act. R.S.O. 1960, c. 338, s. 6.

Payments
under this
Act

7. All public works constructed or completed at the expense of Ontario, all land, streams, watercourses and property, real or personal, acquired for the use of public works, and

What
property,
etc., to be
under
control of
Department

- (a) all canals, locks, dams, hydraulic works, harbours, piers and other works for improving the navigation of any water;
- (b) all slides, dams, piers, booms and other works for facilitating the transmission of timber;
- (c) all hydraulic powers created by the construction of any public works;
- (d) all roads and bridges, all public buildings, all railways and rolling stock thereon, all vessels, dredges, scows, tools, implements and machinery for the improvement of navigation, all drains and drainage works and all property acquired, constructed, repaired, equipped, maintained or improved at the expense of Ontario,

not under the control of the Government of Canada, unless otherwise provided by law, are vested in the Crown and under the control of the Department. R.S.O. 1960, c. 338, s. 7.

8.—(1) For the purpose of carrying out this Act, the Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers advisable and has the power to acquire by purchase, lease or otherwise, or dispose of, where no longer required for the purposes of the Government, by sale, lease or otherwise, property real or personal, including any interest or title therein.

Power to
contract

(2) Any disposal by the Minister of real property or any grant or lease of, or of an interest in, real property is subject to the approval of the Lieutenant Governor in Council. 1970, c. 110, s. 3.

Disposal of
real
property

Enforcement
of contract

9. Contracts respecting any public works or property, real or personal, under the control of the Department, entered into by the Minister, or by any other person duly authorized to enter into the same, enure to the benefit of the Crown and may be enforced as if entered into with the Crown under this Act. R.S.O. 1960, c. 338, s. 9.

Who may
bring
action

10. All actions and other proceedings for the enforcement of any contract, for the recovery of damages for any tort or breach of contract, or for the trial of any right, in respect of property, real or personal, under the control of the Department, shall be instituted in the name of the Minister of Justice and Attorney General. R.S.O. 1960, c. 338, s. 10, *amended*.

Possession of
maps, etc.,
relating to
public
works

11. The Minister may require any person having the possession of any map, plan, specification, estimate, report or other paper, book, drawing, instrument, model, contract, document, record or thing relating to a public work, and not being private property, to deliver the same without delay to the Department. R.S.O. 1960, c. 338, s. 11.

Power to
enter on
and use
land

12. The Minister may himself, or by his engineers, superintendents, agents, workmen or servants, for any purpose relative to the use, construction, maintenance or repair of a public work or for obtaining better access thereto and without the consent of the owner,

- (a) enter into and upon any land to whomsoever belonging, and survey and take levels of the land, and make such borings, or sink such trial pits as he considers necessary;
- (b) enter upon, take and use any land, stream, water or watercourse;
- (c) enter with workmen, carts, carriages and horses, upon any land, and deposit thereon soil, earth, gravel, trees, bushes, logs, poles, brushwood or other material found on the land, or for the purpose of digging up, quarrying and carrying away earth, stone, gravel or other material, and cutting down and carrying away trees, bushes, logs, poles and brushwood therefrom;
- (d) make and use all such temporary roads to and from such timber, stone, clay, gravel, sand or gravel pits as are required by him for the convenient passing to and from the work during its construction or repair;
- (e) alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as premanently, the course of any river, stream, railway, road, street, or way, or raise or sink the level of the same in order to carry them over or under, on the level of or by the side of the public work, as he thinks proper; but

before discontinuing or altering any public road or any part thereof, he shall substitute another convenient railway or road in lieu thereof, and the land theretofore used for the railway or road, or part of a railway or road so discontinued belongs to the Crown and may be disposed of as to the Minister seems proper; and

- (f) divert or alter the position of any waterpipe, gaspipe, sewer, drain, or any telegraph, telephone or electric wire or pole. R.S.O. 1960, c. 338, s. 12.

13. The Minister may for and in the name of Her Majesty purchase or acquire and, subject as hereinafter mentioned, may without the consent of the owner thereof enter upon, take and expropriate any land that he considers necessary for, Power to acquire land

- (a) the public purposes of Ontario; or
(b) the use or purposes of any department of the Government thereof. R.S.O. 1960, c. 338, s. 13.

14. Where it is considered necessary in the building, maintaining or repairing of a public work to take down or remove any wall or fence of any owner of land adjoining the public work or to construct any ditch or drain for carrying off water, the wall or fence shall be replaced as soon as the necessity that caused its taking down or removal has ceased, and, after the wall or fence has been so replaced or when the ditch or drain is completed, the owner shall maintain the wall or fence, ditch or drain to the same extent as he might be by law required to do, if the wall or fence had not been so taken down or removed or the ditch or drain had always existed. R.S.O. 1960, c. 338, s. 14. Restoration and maintenance of walls, fence

15.—(1) Where any gravel, stone, earth, sand or water is taken at a distance from the public work, the Minister may lay down all necessary sidings, water pipes or conduits, or tracks in, over or upon any land intervening between the public work and the land on which such material or water is found, whatever the distance may be, and all the provisions of this Act, except such as relate to the filing of plans, apply to obtaining the right of way from the public work to the land on which the materials are situate, and such right may be acquired for a term of years, or permanently, as the Minister thinks proper. Sidings, water pipes and tracks

(2) The powers conferred by this section may be exercised after the public work is constructed for the purpose of repairing and maintaining it. R.S.O. 1960, c. 338, s. 15. Powers as to repair and maintenance

16.—(1) The Minister may employ an Ontario land surveyor or an engineer to make any survey or establish any boundary and furnish the plans and descriptions of any property acquired or to be acquired by the Crown for a public work. Power to employ surveyor or engineer

Establishing
boundaries

(2) The boundaries of such properties may be permanently established by means of proper stone or iron monuments planted by the surveyor or engineer.

Effect

(3) Such surveys, boundaries, plans and descriptions made, established or furnished by an engineer have the same effect to all intents and purposes as if the operations pertaining thereto or connected therewith had been performed and the boundaries had been established and the monuments planted by an Ontario land surveyor.

Confirma-
tion

(4) Such boundaries shall be held to be the true and unalterable boundaries of the property,

- (a) if they are so established, and the monuments of iron or stone so planted, after due notice of the intention to establish and plant them has been given in writing to the proprietors of the land thereby affected; and
- (b) if a written description of the boundaries is approved and signed in the presence of two witnesses by the surveyor or engineer on behalf of the Minister and by the person concerned; or, in case of the refusal of a proprietor to approve or to sign the description, the refusal is recorded in the description; and
- (c) if the boundary marks or monuments are planted in the presence of at least one witness who signs the description.

Discretion of
Minister

(5) It is not incumbent on the Minister or those acting for him to have boundaries established with the formalities mentioned in this section, but it may be resorted to whenever the Minister considers it necessary. R.S.O. 1960, c. 338, s. 16.

Functions of
Department

17. Subject to an express provision in any other Act, it is the responsibility of the Department to,

- (a) acquire, lease and dispose of public works;
- (b) design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer all premises, buildings and structures that are public works;
- (c) determine the public buildings and appurtenant premises, or parts thereof, that are open to the public and manage and administer such buildings, premises or part including, without limiting the generality of the foregoing,
 - (i) regulating vehicular and pedestrian traffic,
 - (ii) setting apart any such buildings, premises or part for a limited use, and
 - (iii) fixing and collecting fees for parking in any area set apart for the purpose;

- (d) develop and manage common services for increasing the efficiency and economy of departments and agencies of the government;
- (e) purchase services and materiel for the Government;
- (f) govern the acquisition of materiel by the Government including the establishment of specifications and standards, the cataloguing of approved materiel and the maintenance, storage and disposal of materiel;
- (g) provide such other services as the Lieutenant Governor in Council assigns. 1970, c. 110, s. 4, *part*.

18. Where, under this or any other Act, power or authority is granted to or vested in the Minister, other than the power to expropriate, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or authority to the Deputy Minister, or to any officer or officers of the Department, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation. 1970, c. 110, s. 4, *part*.

Delegation
of
authority

19. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) establishing a central purchasing and supply board and any necessary ancillary advisory committees, to perform such duties as are assigned to them by the Minister;
- (b) prescribing fees for the use of property belonging to or controlled by the Government, including plans, specifications, facilities and equipment;
- (c) for the preservation and management of any public building. 1970, c. 110, s. 4, *part*.

20. If injury to any land or property alleged to be injuriously affected by the exercise of any of the powers conferred by this Act may be removed wholly or in part by any alteration in, or addition to, any public work, or by the construction of any additional work, or by the abandonment of any part of the land taken from the claimant, or by the grant to him of any land or easement, the Crown may undertake to make such alteration or addition, or to construct such additional work or to abandon such portion of the land taken, or to grant such land or easement. R.S.O. 1960, c. 338, s. 37, *amended*.

Reparation
by Crown

21.—(1) If a person has a claim arising out of or connected with the execution or fulfilment or in respect of deductions made for the non-execution or non-fulfilment of a contract for the execution of a public work entered into with the Minister, either

Claims
arising
under
contracts
may be
made

in the name of Her Majesty or in any other manner, the person may give notice in writing of his claim to the Minister stating the particulars thereof and how the claim has arisen.

Claims may
be referred
to Board

(2) The claim may be referred by the Minister to the Board for determination under this Act, but no claim shall be referred or be entertained unless within six months from the date of the completion of the contract or from the date of the last payment made on account thereof, full particulars of the claim have been filed with the secretary of the Department.

When
reference
not allowed

(3) No claim shall be so referred where by the terms of the contract the determination of any matters of difference arising out of or connected with the contract are to be decided by the Minister or by a person named in the contract. R.S.O. 1960, c. 338, s. 39.

Payment of
compensa-
tion or
costs

22. The Treasurer of Ontario may pay to any person out of the Consolidated Revenue Fund any sum to which he is entitled as compensation or for costs under this Act. R.S.O. 1960, c. 338, s. 40.

Interest and
powers of
the Crown

23.—(1) All lands, streams, watercourses and property acquired for any public work are vested in the Crown and, when not required for the public work, may be sold, leased or otherwise disposed of under the authority of the Lieutenant Governor in Council.

Hydraulic
powers

(2) All hydraulic powers created by the construction of a public work or by the expenditure of public money thereon are vested in the Crown, and any part not required for the public work may be sold, leased or otherwise disposed of under the authority of the Lieutenant Governor in Council. R.S.O. 1960, c. 338, s. 41.

Power to
employ
engineers,
etc., to
examine
land for
drainage,
etc.

24. The Minister may employ engineers and surveyors to make examinations, surveys and levels of any swamp or bog land or land occasionally or permanently flooded with water, and the engineers and surveyors shall be under the direction of the Department and shall report to the Minister on the best means of draining or preventing the flooding of the land, the cost of the land, the quantity and quality of land proposed to be drained or saved from flooding, with an estimate of the improved value of the land. R.S.O. 1960, c. 338, s. 42.

Report
of results

25. The Minister shall submit to the Lieutenant Governor in his annual report to be laid before the Assembly a statement of the results of such examination, surveys and levels, and an estimate of the cost of reclaiming the lands so as to render them available for cultivation, with his recommendation respecting the same. R.S.O. 1960, c. 338, s. 43.

26. The Minister may make contracts in the manner hereinbefore prescribed for the construction and repair of drains, bridges, roads, dams, dykes, slides and other works that he considers necessary or proper to prevent the flooding of, or to carry off the water from, any such land, and to render the land available for cultivation. R.S.O. 1960, c. 338, s. 44.

Power to
make
certain
contracts

27.—(1) Where it has been ascertained on the report of an engineer that there exists, or is being or has been constructed, across a river, stream, or watercourse, any mill-dam, embankment or obstruction that impedes, or that, in the opinion of the engineer, will impede the free discharge of the water from such swamp, bog or flooded land, the Minister may stop its construction, or cause it to be removed, or a slide to be constructed, as in his opinion is most advisable, and if the owner of the mill-dam, embankment or obstruction, or any other person suffers damage in consequence of the stopping of its construction, or of its removal, or of the construction of a slide under this section, he is entitled to compensation, due regard being had to the previous rightful or wrongful action of the owner in constructing the mill-dam, embankment or obstruction, and the compensation shall be paid within six months after it has been agreed on or determined.

Power to
remove
obstructions
on report
of engineer

(2) Every such slide shall be under the control of the Department, and the Minister, his engineers and agents, are entitled to free access to the slide at all reasonable times, and for all reasonable purposes, including the regulating of the discharge of water over the slide, and its repair. R.S.O. 1960, c. 338, s. 45, *amended*.

Control of
slides

28. Nothing in this Act authorizes the Minister to incur any expenditure not previously sanctioned by the Legislature, except for such repairs and alterations as the immediate necessities of the public service demand. R.S.O. 1960, c. 338, s. 46.

Saving
authority of
Legislature

29. *The Ontario Drainage Act*, being chapter 36 of the Revised Statutes of Ontario, 1887, does not apply to expenditure under sections 24 to 27 upon lands in a provisional judicial district. R.S.O. 1960, c. 338, s. 47.

R.S.O. 1887,
c. 36, does not
apply to
certain
expenditure

30. This Act applies to public works constructed, operated or maintained by a commission appointed by or under the authority of the Legislature or to any such commission, and the like powers and duties as are by this Act imposed or conferred upon the Minister may be exercised and shall be performed by such commission in respect of matters entrusted to it, and in the application of this Act thereto where the word "Minister" or the word "Department" occurs, it means such commission. R.S.O. 1960, c. 338, s. 48.

Application
of Act to
commission
appointed by
Legislature

CHAPTER 394

**The Public Works Creditors Payment
Act****1.** In this Act,Interpre-
tation

- (a) “claimant” means a creditor who has sent a notice under subsection 1 of section 2;
- (b) “contractor” means a person who performs work in the construction, alteration, repair or maintenance of a public work under a contract between the person and the Crown, and includes any sub-contractor engaged in such a work;
- (c) “creditor” means a person who supplies labour, materials or services used or reasonably required for use in the performance of a contract with the Crown for the construction, alteration, repair or maintenance of a public work;
- (d) “Crown” includes a board, commission or agency of the Crown and the Ontario Water Resources Commission, but does not include The Hydro-Electric Power Commission of Ontario;
- (e) “public work” has the same meaning as in *The Public Works Act* and in addition thereto includes any undertaking by the Crown at the expense of any person or municipality; R.S.O. 1970,
c. 393
- (f) “surety” means a person who guarantees to the Crown the payment of creditors under a bond with the Crown. 1962-63, c. 121, s. 1.

2.—(1) Where a contractor does not pay a creditor in accordance with his obligation so to do, the creditor may, not later than ninety days after the last day on which the labour, materials or services were provided, send to the appropriate office of the Crown by registered mail a notice setting out the nature and amount of his claim. Service of
notice of
non-payment

(2) The Crown may, after notice in writing to the contractor and surety, if any, pay the claimant the amount settled upon and deduct the amount so paid from any moneys due or that may become due to the contractor on any account or from the moneys or securities, if any, deposited by the contractor with the Crown, and, if there are insufficient moneys due or to become due to the contractor to permit of such deduction, the surety, if any, shall Payment
of claim

pay to the Crown upon demand an amount sufficient to make up the deficiency.

Amount
paid final

(3) In paying a claim under subsection 2, the Crown may act upon any evidence that it considers sufficient and may compromise any disputed liability, and such payment is not open to dispute or question by the contractor or the surety, if any, but is final and binding upon them. 1962-63, c. 121, s. 2.

Crown may
demand list
of creditors

3. The Crown may, in writing, require a contractor to send to it, by registered mail, within fifteen days from the date of the mailing of the demand, a list of the names of and the amounts owing to his creditors. 1962-63, c. 121, s. 3.

Contractor
to display
s. 2, subs. 1

4. Every contractor shall display and keep displayed in a conspicuous place on the public work a copy of subsection 1 of section 2. 1962-63, c. 121, s. 4.

Offences

5. A contractor who does not file a list when required to do so under section 3 or who does not display and keep displayed a copy of subsection 1 of section 2 as required by section 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for every day during which the default continues. 1962-63, c. 121, s. 5.

Regulations

6.—(1) The Lieutenant Governor in Council may make regulations,

- (a) extending or reducing the periods of time referred to in sections 2 and 3;
- (b) providing for and requiring notices in addition to the notice mentioned in section 2;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Application

(2) Any regulation made under subsection 1 or any provision thereof may be made applicable in respect of any class or classes of contractor. 1962-63, c. 121, s. 6.

CHAPTER 395

The Public Works Protection Act**1.** In this Act,Interpre-
tation

- (a) “guard” means a guard appointed under this Act;
- (b) “highway” means a common or public highway or a part thereof, and includes any street, bridge and any other structure incidental thereto and any part thereof;
- (c) “public work” includes,
 - (i) any railway, canal, highway, bridge, power works including all property used for the generation, transformation, transmission, distribution or supply of hydraulic or electrical power, gas works, water works, public utility or other work, owned, operated or carried on by the Government of Ontario or by any board or commission thereof, or by any municipal corporation, public utility commission or by private enterprises;
 - (ii) any provincial and any municipal public building; and
 - (iii) any other building, place or work designated a public work by the Lieutenant Governor in Council. R.S.O. 1960, c. 339, s. 1.

2.—(1) For the purpose of protecting a public work, guards may be appointed by,

Guards,
appointment

- (a) the Minister of Justice and Attorney General;
- (b) the Commissioner of the Ontario Provincial Police Force;
- (c) any inspector of the Ontario Provincial Police Force;
- (d) the head or deputy head of the municipal council or the chief of police of the municipality in which the public work is located, or the person acting in the place or stead of the head or deputy head;
- (e) the chairman or other person who is the head of a board, commission or other body owning or having charge of the public work, or the person acting in the place or stead of the chairman or other person. R.S.O. 1960, c. 339, s. 2 (1), *amended*.

(2) Every person appointed as a guard under this section has

Powers of
guard

for the purposes of this Act the powers of a peace officer. R.S.O. 1960, c. 339, s. 2 (2).

Duties of
guard

(3) Subject to the regulations and to any special direction of the Minister of Justice and Attorney General or the Commissioner of the Ontario Provincial Police Force, every guard shall obey all directions of the person appointing him, any inspector of the Ontario Provincial Police Force, the chief of police of the municipality in which is located the public work that he is protecting, and the person who is in charge of the protecting of the public work. R.S.O. 1960, c. 339, s. 2 (3), *amended*.

Breach of
duty of
guard

(4) Every guard who,

- (a) neglects or refuses to obey a direction that he is required to obey under subsection 3;
- (b) fails in any manner to carry out his duties as guard;
- (c) leaves the location to which he is assigned as guard or ceases to act as guard without leave of any of the persons mentioned in subsection 3; or
- (d) otherwise conducts himself in a manner not consistent with his duties as guard,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 or to imprisonment for a term of not more than two months, or to both. R.S.O. 1960, c. 339, s. 2 (4).

Powers of
guard or
peace
officer

3. A guard or peace officer,

- (a) may require any person entering or attempting to enter any public work or any approach thereto to furnish his name and address, to identify himself and to state the purpose for which he desires to enter the public work, in writing or otherwise;
- (b) may search, without warrant, any person entering or attempting to enter a public work or a vehicle in the charge or under the control of any such person or which has recently been or is suspected of having been in the charge or under the control of any such person or in which any such person is a passenger; and
- (c) may refuse permission to any person to enter a public work and use such force as is necessary to prevent any such person from so entering. R.S.O. 1960, c. 339, s. 3.

Statement
under oath
to be con-
clusive
evidence

4. For the purposes of this Act, the statement under oath of an officer or employee of the government, board, commission, municipal or other corporation or other person owning, operating or having control of a public work, as to the boundaries of the public work is conclusive evidence thereof. R.S.O. 1960, c. 339, s. 4.

5.—(1) Every person who neglects or refuses to comply with a request or direction made under this Act by a guard or peace officer, and every person found upon a public work or any approach thereto without lawful authority, the proof whereof lies on him, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 or to imprisonment for a term of not more than two months, or to both.

Refusal to
obey guard
etc.

(2) A guard or peace officer may arrest, without warrant, any person who neglects or refuses to comply with a request or direction of a guard or peace officer, or who is found upon or attempting to enter a public work without lawful authority.

Arrest

R.S.O. 1960, c. 339, s. 5.

6. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) providing for the organization, co-ordination, supervision, discipline and control of guards;
- (b) defining the areas that constitute approaches to public works, either generally or with regard to a particular public work;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

R.S.O. 1960, c. 339, s. 6.

CHAPTER 396

The Quieting Titles Act

1. An owner of an estate in fee simple in land or a trustee for the sale of the fee simple is entitled to have his title judicially investigated and the validity thereof ascertained and declared, whether he has the legal estate or not, and whether his title is or is not subject to a charge or encumbrance. R.S.O. 1960, c. 340, s. 1.

Owners, etc., in fee simple may obtain judicial investigation of title

2. Any other person who has an estate or interest in land may apply for the investigation of his title and a declaration of the validity thereof, but it is in the discretion of the judge before whom the proceedings are taken to grant or refuse the application and such discretion may be invoked and exercised at any stage of the proceedings, and the decision of the judge in exercising such discretion is subject to appeal. R.S.O. 1960, c. 340, s. 2.

In case of any other estate; investigation to be discretionary with the judge

3. The Attorney General for Canada or the Minister of Justice and Attorney General for Ontario may apply for an investigation of the title of the Crown to any land and a declaration of the validity thereof, and the application may be made by information instead of petition, but in other respects the practice and procedure shall be the same as in ordinary cases. R.S.O. 1960, c. 340, s. 3, *amended*.

Applications to quiet title to Crown lands

4. Every application shall be made to the Supreme Court or a judge thereof and, subject to section 3, shall be by petition in Form 1. R.S.O. 1960, c. 340, s. 4

Form of application and to whom made

5. The application shall be supported by,

How the application must be supported:

(a) the title deeds, if any, and evidences of title in the possession or power of the applicant;

title deeds

(b) certified copies of all registered instruments, or registered memorials of instruments, affecting the land, or of all since the last judicial certificate, if any, under this Act, up to the time of the granting of the certificate of title, except mortgages of which discharges have been registered more than ten years prior to the date of the application and the discharges of such mortgages;

registered instruments

(c) an abstract of the title certified by the registrar of the registry division in which the land lies, unless the abstract is dispensed with in whole or in part;

registrar's certificate

statement
of facts

(d) a concise statement of such facts as are necessary to make out the title that do not appear in the produced documents, but no abstract of of produced documents shall be required except on special grounds;

proof of
facts

(e) proof of any fact that is required to be proved in order to make out the title, and that is not established by the produced documents, unless the judge dispenses with such proof until a future stage of the investigation;

affidavit and
certificate of
counsel, etc.

(f) an affidavit or deposition by the person whose title is to be investigated and a certificate of his counsel or solicitor, to the effect mentioned in section 7, unless the judge, for special reason, dispenses therewith;

schedule of
particulars
produced

(g) a schedule of the particulars produced under this section. R.S.O. 1960, c. 340, s. 5.

What the
affidavit or
deposition of
the appli-
cant must
state

6.—(1) The affidavit or deposition of the person whose title is to be investigated shall state that to the best of his knowledge and belief he is the owner of the estate or interest claimed by the petitioner, subject only to the charges and encumbrances set forth in the petition or in a schedule thereto, or that there is no charge or encumbrance affecting the land, that the deeds and evidences of title that he produces, and of which a list is contained in the schedule produced under section 5, are all the title deeds and evidences of title relating to the land in his possession or power, and that he is not aware of the existence of any claim adverse to or inconsistent with his own to any part of the land or to any interest therein, or, if he is aware of such adverse claim, he shall set forth every such adverse claim, and shall depose that he is not aware of any except what he sets forth.

As to
petitioner's
possession
and other
material
facts

(2) The affidavit or deposition shall also set forth whether any one is in possession of the land and under what claim, right or title, and shall state that to the best of the deponent's knowledge, information and belief, the affidavit or deposition and the other papers produced therewith fully and fairly disclose all facts material to the title claimed by the petitioner, and all contracts and dealings that affect the title or a part thereof or give any right as against him.

In certain
cases it may
be dispensed
with or made
by another
person

(3) The affidavit or deposition may be dispensed with or may be made by some other person instead of the person whose title is to be investigated, or an affidavit or deposition as to part may be made by one person, and as to part by another, in the discretion of the judge to whom the application is made, and in such case the affidavit shall be modified accordingly. R.S.O. 1960, c. 340, s. 6.

What the
certificate of
counsel or
solicitor
must state

7. The certificate of the counsel or solicitor shall state that he has investigated the title and believes the petitioner to be the owner of the estate that he claims in the land, subject only to any

charge or encumbrance set forth in the petition or in the schedule thereto, or that he so believes, subject to any condition, qualification or exemption set forth in the certificate, and that he has conferred with the deponent on the subject of the various matters set forth in the affidavit or deposition referred to in sections 5 and 6 and believes the affidavit or deposition to be true. R.S.O. 1960, c. 340, s. 7.

8.—(1) The judge in investigating the title may receive and act upon any evidence that is received by the Supreme Court on a question of title, and any evidence that the practice of conveyancers authorizes to be received on an investigation of a title out of court, or any other evidence, whether the evidence is or is not receivable or sufficient in point of strict law or according to the practice of conveyancers, if the evidence satisfies the judge of the truth of the facts intended to be established thereby.

On what evidence judge may proceed

(2) It is not necessary to produce any evidence that by *The Vendors and Purchasers Act* is dispensed with as between vendor and purchaser, or to produce or account for the originals of any registered deeds, documents or instruments, unless the judge otherwise directs.

Idem
R.S.O. 1970,
c. 478

(3) The proof may be by affidavit or certificate or may be given orally or in any other manner or form satisfactory to the judge. R.S.O. 1960, c. 340, s. 8.

Forms of proof

9. Before a certificate of title is granted, satisfactory evidence shall be given by certificate, affidavit or otherwise that all taxes, rates and assessments for which the land is liable have been paid, or that all, except those for the current year, have been paid, and by the production of a certificate from the Minister of Revenue that all claims for succession duty in respect of the land to be included in the certificate have been satisfied. R.S.O. 1960, c. 340, s. 9, *amended*.

Taxes must have been paid except for current year

10. If the judge is not satisfied with the evidence of title produced in the first instance, he shall give a reasonable opportunity to produce further evidence or to remove defects in the evidence produced. R.S.O. 1960, c. 340, s. 10.

Further proof if judge not satisfied

11.—(1) Except as hereinafter provided, before a certificate of title is granted or a conveyance is made under this Act, the judge shall direct to be published in *The Ontario Gazette*, and, if he sees fit, in one or more newspapers, and in such form and for such period as he considers expedient, a notice either of the application having been made, or of the order or decision of the judge thereon, and the notice shall state the time within which adverse claims may be filed, and the certificate or conveyance shall not be signed or executed until after the expiration of at least four weeks from

Judge to order notice to be published

the first publication of the notice or such other period as the judge may appoint.

Notice of application where land is valued at not more than \$3,000

(2) Where the value of the land is proved to the satisfaction of the judge to be not more than \$3,000, he may dispense with the publication of the notice and in lieu thereof may direct that for such period as he thinks fit a printed or typewritten notice of the application, or of the order or decision of the judge thereon, be posted up in one or more conspicuous places on the land and in such other place, if any, as he thinks fit, and the certificate or conveyance shall not be signed or executed until the period limited by the notice for filing adverse claims has expired. R.S.O. 1960, c. 340, s. 11.

Judge may grant certificate without further notice

12. Where the judge is satisfied respecting the title and considers that the certificate of title can safely be granted or the conveyance can safely be executed without any other notice of application than the published or posted notice, he may grant the certificate or direct the execution of the conveyance. R.S.O. 1960, c. 340, s. 12.

Notice to adverse claimant

13. Where it appears that there is a person who may have a claim adverse to or inconsistent with that of the petitioner to or in respect of any part of the land, the judge shall direct such notice as he considers necessary to be mailed to or served on that person, his agent or solicitor. R.S.O. 1960, c. 340, s. 13.

Appointment of guardian *ad litem*

14.—(1) Where it appears that any persons who will become the heirs of a living person or that any person not *in esse* may be interested in opposing the claim of the petitioners, the judge may appoint a guardian *ad litem* to represent them and they are bound by the adjudication.

Costs

(2) The judge may order that the costs of the guardian *ad litem* be paid by the petitioner.

Who may be guardian

(3) Unless the judge otherwise directs, the Official Guardian shall be appointed guardian *ad litem*. R.S.O. 1960, c. 340, s. 14.

Further publication or service of notice

15. Before granting the certificate or directing the execution of the conveyance, the judge may require any further publication to take place or any other notice to be mailed or served that he considers necessary. R.S.O. 1960, c. 340, s. 15.

Adverse claimants to file statements

16.—(1) A person having an adverse claim or a claim not recognized in the petition may at any time before the certificate is granted or the conveyance is executed, file and serve on the petitioner, his solicitor or agent, a statement of his claim in Form 2.

Verification

(2) The claim shall be verified by an affidavit to be filed therewith. R.S.O. 1960, c. 340, s. 16.

17. In case of a contest, the judge may either decide the question of title on the evidence before him, or may refer the question or any matter involved therein to the Court of Appeal, or may direct any mode of investigation that he considers expedient, and may defer granting the certificate or directing the execution of the conveyance. R.S.O. 1960, c. 340, s. 17.

In case of contest, judge may decide or refer the case

18. The judge may at any stage of the proceeding order security for costs to be given by the petitioner or by any person making an adverse claim. R.S.O. 1960, c. 340, s. 18.

Security for costs

19. The judge may order costs either as between party and party, or as between solicitor and client, to be paid by or to any party to any proceeding, and may give directions as to the fund out of which any costs shall be paid. R.S.O. 1960, c. 340, s. 19.

Payment of costs

20. The petitioner may by leave of the judge withdraw his application at any time before final adjudication, on payment of all costs incurred in the investigation, either by himself or by an adverse claimant. R.S.O. 1960, c. 340, s. 20.

Withdrawal of application

21. Subject to the rules of court, the judge may refer a petition or any question arising in the course of any proceeding thereon to any referee of titles or other officer of the court, or to counsel named by the judge, who shall proceed as the judge himself should do if the reference had not been made, and has all the powers of the judge except the power to grant the certificate or to direct the execution of the conveyance. R.S.O. 1960, c. 340, s. 21.

Petition may be referred to referee or counsel

22.—(1) Every claim of title under this Act shall be presumed to be subject to the following exceptions and qualifications unless the petition expressly states the contrary:

Claims of title to be presumed to be made with certain exceptions

1. The reservations, if any, contained in the original grant from the Crown.
2. Any municipal charges, rates or assessments theretofore imposed for local improvements and not yet due and payable.
3. Any title or lien that, by possession or improvements or other means, the owner or person interested in any adjoining land has acquired to or in respect of the land.
4. Any lease or agreement for a lease for a period yet to run, not exceeding three years, where there is actual occupation under it.
5. Any public highway, right of way, watercourse and right of water, and other easement.
6. Any right of the wife or husband of the petitioner to dower or curtesy.

7. Any claim for succession duty.

But claim
may be
without
exceptions

(2) If the petitioner desires the certificate to declare the title to be free from such exceptions or qualifications, or any of them, the petition shall so state, and the investigation shall proceed accordingly, but this subsection does not apply to the exception or qualification as to a public highway. R.S.O. 1960, c. 340, s. 22.

One certi-
ficate or
several

23. The judge may give one certificate of title comprising all the land mentioned in the petition or may give separate certificates as to separate parts of the land. R.S.O. 1960, c. 340, s. 23.

Form of
certificate

24. The certificate of title shall be in Form 3 and shall be under the seal of the court and signed by a judge and, where the proceedings on the petition are conducted in Toronto, by the Referee of Titles and in other cases by the Inspector of Titles and shall also be signed by the Registrar or an assistant registrar of the Supreme Court, and the certificate and the schedule, if any, thereto or a duplicate or counterpart of it shall be registered in full both in Supreme Court and in the registry office of the registry division where the land lies without any further proof thereof. R.S.O. 1960, c. 340, s. 24.

Registration
of certificate

25. A certificate of the registration in the Supreme Court may be endorsed on the certificate of title or on any counterpart or certified copy thereof, thus:

Registered in 19 Book,
Page ,
A. H.,
Registrar of the Supreme Court (*or as the case may be*)

and a memorandum or certificate so signed is evidence of the registration mentioned therein. R.S.O. 1960, c. 340, s. 25.

Effect of
certificate
of title

26. The certificate of title, sealed, signed and registered as required by section 24, is conclusive, and the title therein mentioned shall be deemed absolute and indefeasible on and from the date of the certificate as regards the Crown and all persons whomsoever, subject only to any charges or encumbrances, exceptions or qualifications mentioned therein or in the schedule thereto, and is conclusive evidence that every application, notice, publication, proceeding, consent and act that ought to have been made, given and done before the granting of the certificate, has been made, given and done by the proper person. R.S.O. 1960, c. 340, s. 26.

Certified
copy of
certificate
to be
evidence

27. After a certificate of title is registered, a copy thereof purporting to be signed and certified as a copy by the Registrar or an assistant registrar of the Supreme Court, or by the registrar of the registry division in which the land lies, is admissible evidence

of the certificate for all purposes without further evidence of such copy, and without accounting for the non-production of the certificate. R.S.O. 1960, c. 340, s. 27.

28. In case of a sale by the Supreme Court, the court may investigate the title with a view to granting an indefeasible title, and in that case a conveyance in Form 4, executed to the purchaser, under the seal of the court and purporting to be under the authority of this Act, has the same effect as a certificate. R.S.O. 1960, c. 340, s. 28.

Conveyance
by the court
in case of
sale

29. Where judgment is given for the specific performance of a contract for the sale of land and it is provided by the contract that the vendor shall give an indefeasible title, the court may make the like investigation, and the conveyance may be according to Form 4. R.S.O. 1960, c. 340, s. 29.

Where an
indefeasible
title is con-
tracted for

30. Where a person domiciled or claiming land in Ontario desires to establish that he is the legitimate child of his parents, or that the marriage of his father or mother or of his grandfather and grandmother was a valid marriage, or that his own marriage was a valid marriage, or that he is the heir or one of the heirs of a person deceased, or that he is a natural born subject of Her Majesty, he may, if the court thinks fit, have any of such matters judicially investigated and declared. R.S.O. 1960, c. 340, s. 30.

Right to
judicial
investigation
of some
fact that
may affect
a title

31.—(1) The application shall be by petition supported by an affidavit of the petitioner verifying the statements of the petition and stating that his claim is not disputed or questioned by any person, or, if his claim is to his knowledge disputed or questioned, the facts in relation to such dispute or question, and that he is not aware of any dispute or question except what he has set forth, and stating such other facts as may satisfy the court of the propriety of proceeding with the investigation.

Application
and affidavit
in support

(2) The proceedings upon the petition shall be the same as nearly as may be as in cases under section 1, and the certificate granted on the investigation shall be registered in the same way and may be proved by the like evidence as in the case of a certificate under section 12.

Investigation,
proof, etc.,
in such
case

(3) The certificate when registered is conclusive and indefeasible in favour of the person to whom it was granted and all persons claiming by, from, through or under him as regards the Crown and all persons whomsoever and is *prima facie* evidence in favour of all other persons as against the Crown and all persons whomsoever of the truth of the fact therein declared. R.S.O. 1960, c. 340, s. 31.

Effect of
certificate

Certificate
obtained by
fraud

32. If in the course of any proceeding any person acting either as principal or agent knowingly and with intent to deceive makes or assists or joins in or is privy to the making of any material false statement or representation, or suppresses, withholds or conceals, or assists or joins in or is privy to the suppression, withholding or concealing from the court of any material document, fact or matter of information, any certificate or conveyance obtained by means of such fraud or falsehood is void except as against a purchaser for valuable consideration without notice. R.S.O. 1960, c. 340, s. 32.

Reinvesti-
gation,
petition for

33.—(1) After a certificate is granted or a conveyance is executed, any person aggrieved thereby may, on petition, and after satisfactorily accounting for his delay, by leave of the court or a judge, have the title or claim reinvestigated on such terms as are considered just.

Registra-
tion

(2) A certificate of the presentation of the petition shall be registered in the proper registry office.

Those
who have
purchased,
etc., in the
meantime
not to be
affected

(3) No proceeding on such petition affects the title of any person who, after the date of the certificate or conveyance under this Act and before the registration of the certificate of the presentation of the petition, has acquired by sale, mortgage or contract, for valuable consideration, any estate or interest in the land described in the certificate or conveyance, or, if the certificate was granted under section 30, in any land or other property the title to which was derived from, through or under the person named in the certificate, in the character that is thereby declared to belong to him.

What order
may be
made

(4) The court or judge may make such order on the petition as he considers just having regard to subsection 3 and of section 32. R.S.O. 1960, c. 340, s. 33.

Appeals

34. An appeal lies from an order or decision of a judge under this Act to the Court of Appeal in the same manner and subject to the same restrictions as in the case of an appeal from a judgment or order of a judge of the High Court in an action. R.S.O. 1960, c. 340, s. 34.

Register to
be kept

35. A separate book shall be kept in the Supreme Court for the registration of certificates and conveyances under this Act, and the certificates and conveyances registered therein shall be numbered in order, and an index to the book shall be kept in such form as the court may direct. R.S.O. 1960, c. 340, s. 35.

Where any
party is a
minor,
mentally
defective, etc.

36. Where any person who, if not under disability, might have made any application, given any consent, or done any act, or been party to any proceedings under this Act, is an infant, a mentally

defective person, or a mentally incompetent person, the guardian of the infant, or committee of the estate of the mentally defective person or mentally incompetent person, may make such application, give such consent, do such act, and be party to such proceeding as such person might if free from disability, and shall otherwise represent such person for the purposes of this Act, and if the infant has no guardian, or the mentally defective person or mentally incompetent person no committee of his estate, the court or judge may appoint a person with like power to act for the infant, mentally defective person or mentally incompetent person. R.S.O. 1960, c. 340, s. 36.

37. A married woman shall, for the purposes of this Act, be deemed to be a *feme sole*. R.S.O. 1960, c. 340, s. 37. Married women

38. No objection to a petition shall be allowed upon the ground that the petitioner should first have brought an action, and, if it appears upon the determination of the investigation that the petitioner is entitled to the possession of the land, he may obtain an order against any other party to the proceeding for the delivery of possession thereof. R.S.O. 1960, c. 340, s. 38. Objections to petition

39. Proceedings shall not abate or be suspended by a death or transmission or change of interest, but in any such event the court or a judge may require notices to be given to persons becoming interested, or may make any order for discontinuing, or suspending, or carrying on the proceedings, or otherwise, in relation thereto as seem just. R.S.O. 1960, c. 340, s. 39. Proceedings not abated by certain events

40. No petition, order, affidavit, certificate, registration or other proceeding is invalid by reason of any informality or technical irregularity therein, or of any mistake not affecting the substantial justice of the proceeding. R.S.O. 1960, c. 340, s. 40. Proceedings not void for want of form

41.—(1) There shall be an Inspector of Titles who shall supervise the work of the local referees of titles. Inspector of Titles

(2) Such officer of the Supreme Court as is designated for that purpose by the rules of court is the Inspector of Titles. R.S.O. 1960, c. 340, s. 41. to be officer of Supreme Court

42. Every master of titles is local referee of titles and, where the proceedings under the petition are to be conducted at Toronto, the Inspector of Titles is Referee of Titles. R.S.O. 1960, c. 340, s. 42. Referees of Titles

43. The Inspector of Titles, the Referee of Titles and every local referee of titles in respect of the petition and the proceedings thereunder have the like powers as the Master of the Supreme Court. R.S.O. 1960, c. 340, s. 43. Powers of Inspector and referees

Powers of
Referee of
Titles

44. The Referee of Titles and every local referee of titles have the same powers as a judge of the Supreme Court within the limits prescribed by the rules. R.S.O. 1960, c. 340, s. 44.

Application
of R.S.O.
1970,
c. 228

45. Subject to the rules of court and except where otherwise provided, the practice and procedure under *The Judicature Act* and the rules made thereunder apply to proceedings under this Act. R.S.O. 1960, c. 340, s. 45.

Rules
Committee
may make
general
rules

46.—(1) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee may make rules for referring petitions under this Act to any referee of titles or other officer of the court or to any counsel or other person, and may regulate the fees to be paid on such references.

Rules for
practice
and
procedure

(2) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee may also make rules for the purposes of and for regulating the practice or procedure under this Act notwithstanding that the practice or procedure prescribed by this Act may be thereby varied. R.S.O. 1960, c. 340, s. 46.

FORM 1

(Section 4)

PETITION TO QUIET A TITLE

In the Supreme Court of Ontario

In the matter of *(the east half of lot No. in the
Concession of the Township of., or as the case may be,
briefly describing the property).*

To the Honourable the Judges of the Supreme Court of Ontario.

The Petition of of

SHEWETH:

That your Petitioner is absolute owner in fee simple in possession *(or as the case may be)* of the following land *(describing it)*:

That there is no charge or other encumbrance affecting your Petitioner's title to the land (except, etc., *or* that your Petitioner's title is subject only to the charges or encumbrances in the schedule hereto mentioned, and that the only persons having or claiming any charge, encumbrance, estate, right or interest in the land are set forth in the schedule hereto annexed, and that the charge, encumbrance, estate, right or interest belonging to or claimed by each is therein set forth). Your Petitioner therefore prays that his title to the land may be investigated and declared under *The Quieting Titles Act*.

A. B.,

or

C. D., Solicitor for A. B.

R.S.O. 1960, c. 340, Form 1

FORM 2

(Section 16 (1))

ADVERSE CLAIM

In the Supreme Court of Ontario

In the matter of, etc., *(as in petition)*.

G. H., of, etc., claims to be the owner of the land [*or as the case may be (stating briefly the nature and the grounds of the claim)*].

Dated this day of, 19.....

G. H.,

or

E. F., Solicitor for G. H.

R.S.O. 1960, c. 340, Form 2.

FORM 3

(Section 24)

CERTIFICATE OF TITLE

In the Supreme Court of Ontario

These are to certify under the authority of *The Quieting Titles Act*, that *A.B.*, of, is the legal and beneficial owner in fee simple in possession (*or as the case may be*) of all, etc. (*here describe the land*) subject to the exceptions and qualifications mentioned in section 22 of the said Act (*or as the case may be*), and to (*specifying either by reference to a schedule or otherwise any of the charges or encumbrances, exceptions or qualifications to which the title of A.B. is subject*), but free from all other rights, interests, claims and demands whatever.

[*Or that (stating the facts found and declared under section 30 and stating on whose application they are declared) .*]

In witness whereof
 one of the Justices of the Court has hereunto set his hand, and the seal of the Court has been hereunto affixed,

this day of, 19 . . .

G.S.H., *J.A.B.* [L.S.]
 Inspector (*or Referee*) of Titles.

R.S.O. 1960, c. 340, Form 3.

FORM 4

(Section 28)

CONVEYANCE BY THE SUPREME COURT

The Supreme Court of Ontario, under the authority of *The Quieting Titles Act*, doth hereby grant unto *A.B.*, of
 [*here describe the land sold*] to hold the same unto the said
 in fee simple (*or as the case may be*),
 subject to [*here specify as in the case of a certificate of title*].

In witness whereof
 one of the Justices of the Court has
 hereunto set his hand, and the seal of the Supreme Court has been hereunto

affixed, this day of, 19 . . .

G.S.H., *J.A.B.* [L.S.]
 Registrar.

R.S.O. 1960, c. 340, Form 4.

CHAPTER 397

The Race Tracks Tax Act

1. In this Act,Interpre-
tation

- (a) “Minister” means the Minister of Revenue;
- (b) “person” includes an incorporated company, association and club;
- (c) “race meeting” means a series of races for horses;
- (d) “regulations” means the regulations made under this Act;
- (e) “Treasurer” means the Treasurer of Ontario and Minister of Economics. R.S.O. 1960, c. 341, s. 1; 1964, c. 97, s. 1; 1970, c. 8, s. 1, *amended*.

2.—(1) Every holder of a winning ticket issued under the pari-mutuel system upon a race run at a race meeting shall pay a tax at the rate of 7 per cent upon the amount that would be payable to him if no percentage were deducted or retained by the person holding the race meeting in respect of such race. R.S.O. 1960, c. 341, s. 3 (1); 1968, c. 111, s. 2 (1).

Tax on bets

(2) The tax shall be collected by the person holding the race meeting as the agent of the Treasurer by deducting from the total amount bet or wagered upon such race, a sum equal to 7 per cent of the amount so bet or wagered, and such sum shall be paid over to the Treasurer at the close of each day's racing. R.S.O. 1960, c. 341, s. 3 (2); 1968, c. 111, s. 2 (2).

Collection

(3) Every person who collects any tax under this Act shall be deemed to hold it in trust for Her Majesty in right of Ontario and is responsible for the payment over of it in the manner and time provided by this Act and the regulations.

Trust
moneys

(4) All amounts collected by a person under this Act shall be kept separate and apart from his own moneys. 1964, c. 97, s. 2.

Idem

3.—(1) Every person owning, operating or using a race track and holding a race meeting shall at the end of every fourteen days, or such other greater or lessor period as the Minister may designate, during the term of the race meeting and at or immediately after its close furnish to the Minister a separate return for each track,

Returns at
close of
meeting

- (a) of the moneys received and of the moneys paid out at or in connection with the race meeting;

- (b) of the total amount wagered on the track or tracks at the race meeting in respect of which such person derived any benefit;
- (c) of the percentage or other portion thereof taken by such person; and
- (d) of such other information as may be required by the Minister. 1964, c. 97, s. 3; 1970, c. 8, s. 2 (1), *amended*.

Office and
books

(2) Every person owning, operating or using a race track and holding a race meeting shall maintain an office at or near the race track and within Ontario at which at all times shall be kept the books of account and vouchers relating to the race track and any race meetings held by him, and, in the case of a company, association or club, the minute book shall also be kept at such office and the books of account, vouchers and minute book shall at all times be open to the inspection of the Minister or his duly accredited representative. R.S.O. 1960, c. 341, s. 4 (2); 1970, c. 8, s. 2 (2).

Access

(3) Such officers or clerks of the Department of Revenue as are appointed by the Minister for the purpose of ascertaining the amount wagered in connection with the tax imposed by section 2 have access free of all charge at all times to all parts of any race track including the pari-mutuel plant connected therewith during the progress of a race meeting. R.S.O. 1960, c. 341, s. 4 (2); 1970, c. 8, s. 2 (3).

Offences

(4) Every person opening or continuing a race meeting on any day in respect of which the tax imposed by this Act has not been paid or neglecting or refusing to deduct and pay over the tax mentioned in section 2, or neglecting to furnish the statement required by subsection 1, or to comply with subsection 2, is liable to a penalty of \$1,000 for every day during which the default continues, and where such person is a company, association or club, every director, manager or secretary thereof who wilfully authorizes or permits such default is liable to a like penalty. R.S.O. 1960, c. 341, s. 4 (4).

Default

(5) Where default has been made by such person in deducting and paying over the tax mentioned in section 2 or in making any return required by this section or under any other provision of this Act, or in complying with subsection 2, or such person is contravening any statute of Canada or of Ontario, any member of the Ontario Provincial Police Force, acting under the instructions of the Minister, may stop all racing upon the track of such person, or the holding of any further race meeting by such person. R.S.O. 1960, c. 341, s. 4 (5); 1970, c. 8, s. 2 (4).

Payment
of tax

4. Where under any agreement or arrangement whenever entered into, a person conducting a race meeting upon a race course has leased, assigned or otherwise disposed of, or suffers or

permits the enjoyment of the betting privileges or the operation of pari-mutuel machines upon or in connection with such race course to or by any other person, such other person shall deduct and pay over to the Treasurer the tax imposed by this Act and this Act applies to such other person as well as to the person conducting such race meeting, and, in the event of the neglect, refusal or failure of such other person to deduct and pay over the tax and to comply with this Act, the person conducting the race meeting in respect of which such default occurs as well as such other person is liable to the penalties provided by this Act, and any member of the Ontario Provincial Police Force acting under the instructions of the Minister may stop all racing upon the track upon which the race meeting is conducted or the holding of any further race meeting by such person. R.S.O. 1960, c. 341, s. 5; 1970, c. 8, s. 3.

5.—(1) For the purpose of obtaining any information that he considers necessary for the purposes of this Act, the Minister may, Obtaining information

(a) demand from any person such information as is indicated in a letter delivered or sent by prepaid mail to the person and the person shall furnish to the Minister all such information that he has in his possession or under his control, in writing, within thirty days of the delivery or sending of the letter; or

(b) appoint any officer of the Department of Revenue to make such inquiry as is necessary to obtain such information and for the purpose of the inquiry the officer has all the power and authority that may be conferred upon a commissioner under *The Public Inquiries Act*. 1970, c. 8, s. 4 (1). R.S.O. 1970, c. 379

(2) Any act done or proceeding taken under either of the clauses of subsection 1 does not preclude the Minister from proceeding under the other clause. R.S.O. 1960, c. 341, s. 6 (2); 1970, c. 8, s. 4 (2). Idem

6.—(1) The taxes and penalties imposed under this Act may be recovered by an action in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred. R.S.O. 1960, c. 341, s. 7 (1); 1970, c. 8, s. 5 (1). Recovery of tax and penalties

(2) Except where otherwise provided, the penalties imposed by this Act may be recovered in the manner provided by *The Summary Convictions Act* and are payable to the Treasurer. R.S.O. 1970, c. 450 Penalties
R.S.O. 1960, c. 341, s. 7 (2).

(3) Upon default of payment by a person holding the race meeting of any tax collectable under this Act, the Minister may Recovery of tax

issue a warrant directed to the sheriff of any county or district in which the property of a person liable to make remittance under this Act is located or situate for the amount of tax, interest and penalty, or any of them, owing by him, together with interest thereupon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court. 1964, c. 97, s. 5, *part*; 1970, c. 8, s. 5 (2).

Remedies
for recovery
of tax

(4) The use of any remedy does not bar or affect any other remedy, and the remedies provided by this Act for the recovery and enforcement of payment or collection, or both, of any tax or penalty, or both, imposed by this Act are in addition to any other remedies existing by law. 1964, c. 97, s. 5, *part*.

Interest

7. Any amount payable or to be remitted to the Treasurer under this Act bears interest at the rate prescribed by the regulations from the day on which the amount should have been paid or remitted to the Treasurer to the day of payment. 1964, c. 97, s. 6, *part*; 1970, c. 8, s. 6.

Surety
bond

8. The Minister may require a person holding a race meeting to furnish a surety bond on such terms and conditions and in such amount as the Minister considers appropriate. 1964, c. 97, s. 6, *part*; 1970, c. 8, s. 7.

Minister
not bound
by returns

9.—(1) The Minister is not bound by a return or information delivered by or on behalf of any person under this Act and may, notwithstanding a return or information as delivered, or if no return or information has been delivered, assess the tax payable under this Act. 1964, c. 97, s. 6, *part*; 1970, c. 8, s. 8 (1).

Assessment
and re-
assessment

(2) The Minister may at any time assess tax, interest or penalties and may at any time reassess or make additional assessments. 1964, c. 97, s. 6, *part*; 1970, c. 8, s. 8 (2).

Regulations

10. The Lieutenant Governor in Council may make regulations,

- (a) authorizing or requiring the Deputy Minister of Revenue or any other officer of the Department of Revenue to exercise any power or impose any duty conferred or imposed upon the Minister by this Act;
- (b) prescribing the forms of returns required to be made by this Act and the information to be furnished therein;
- (c) providing for the manner of collecting the tax imposed by this Act;
- (d) authorizing the payment of remuneration to persons charged with the collection of the tax and prescribing the amount thereof;

- (e) prescribing the rate of interest payable on amounts payable to or to be remitted to the Treasurer under this Act;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 341, s. 8; 1970, c. 8, s. 9.

11. Declarations and affidavits in connection with this Act may be taken before any person having authority to administer an oath, or before any person specifically authorized for that purpose by the Lieutenant Governor in Council, but any person so specifically authorized shall not charge any fee therefor. R.S.O. 1960, c. 341, s. 9. Affidavits
and
declarations

12.—(1) No person employed in the service of Her Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act. Information
obtained
under Act

(2) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1960, c. 341, s. 10, *amended*. Offence

CHAPTER 398

The Racing Commission Act

1. In this Act,

(a) “Commission” means the Ontario Racing Commission;

(b) “Minister” means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council. R.S.O. 1960, c. 342, s. 1.

Interpre-
tation
2. The body corporate known as the Ontario Racing Commission, established under *The Racing Commission Act, 1950*, is continued and shall be composed of not fewer than three and not more than seven members appointed by the Lieutenant Governor in Council. R.S.O. 1960, c. 342, s. 2.

Commission
continued
1950, c. 67
3. The objects of the Commission are to govern, direct, control and regulate horse racing in Ontario in any or all of its forms. R.S.O. 1960, c. 342, s. 3.

Object
4. The members of the Commission shall hold office for a term of not more than three years, but any person is eligible for reappointment. 1965, c. 114, s. 1.

Term of
office
- 5.—(1) The Lieutenant Governor in Council shall name one of the members to be the chairman and one of the members to be the vice-chairman.

Chairman
and vice-
chairman

(2) When the office of chairman is vacant or in the absence of the chairman, the vice-chairman shall act in his place and stead. R.S.O. 1960, c. 342, s. 5.

Absence of
chairman
- 6.—(1) At any meeting of the Commission a majority of the members constitutes a quorum, and a majority vote of the members present at any meeting of the Commission determines any question.

Quorum

(2) The chairman has a casting vote in addition to his ordinary vote. R.S.O. 1960, c. 342, s. 6.

Casting
vote
7. The Lieutenant Governor in Council may fill any vacancy that occurs in the membership of the Commission. R.S.O. 1960, c. 342, s. 7.

Vacancies

Salaries
of members
and staff

8. The Lieutenant Governor in Council shall fix the salaries of the chairman, the vice-chairman and the other members of the Commission, and may appoint such officers, clerks or other employees as are necessary for the purposes of the Commission, and shall fix their salaries, wages or other remuneration. R.S.O. 1960, c. 342, s. 8.

Chairman
and staff
to be civil
servants
R.S.O. 1970,
c. 386

9.—(1) The chairman of the Commission and all officers, clerks and other employees thereof are subject to *The Public Service Act* and are civil servants within the meaning of that Act.

Members
may be
made civil
servants

(2) The Lieutenant Governor in Council may provide that the members of the Commission, other than the chairman, or any of them, are subject to *The Public Service Act* and are civil servants within the meaning of that Act. R.S.O. 1960, c. 342, s. 9.

Expenses
payable out
of vote

10. The salaries and expenses of the members of the Commission and of the officers, clerks and other employees thereof, and generally all costs, charges and expenses incurred and payable in respect of the carrying out of this Act, shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 324, s. 10.

Powers of
Commission

11. The Commission has power,

- (a) to govern, direct, control and regulate horse racing in Ontario in any or all of its forms;
- (b) to govern, control and regulate the operation of race tracks in Ontario at which any form of horse racing is carried on;
- (c) to hold hearings relating to the carrying out of its objects or powers, and to summon any person by subpoena signed by the chairman or by any other member of the Commission, and to require such person to give evidence on oath and to produce such documents and things as the Commission considers requisite in any such hearing;
- (d) to enforce the carrying out and observance of all regulations, rules and conditions established under this Act, by a fine or other penalty or otherwise;
- (e) to make by-laws for the conduct of its business and for the control and direction of its work;
- (f) to license persons to operate race tracks at which horse racing in any of its forms is carried on;
- (g) to license owners, trainers, drivers, jockeys, apprentice jockeys, grooms, jockeys' agents, jockeys' valets, exercise boys, tradesmen and such other persons in or about race tracks at which horse racing in any of its forms is carried on, as the Commission considers expedient;

- (h) to fix and collect fees or other charges for licences, prescribe the form thereof and the conditions under which they may be issued;
- (i) to refuse to grant any licence or to suspend or revoke any licence for conduct that the Commission considers to be contrary to the public interest;
- (j) to require registration with the Commission of, and to register colours, assumed names, partnerships and contracts and such other matters and things as the Commission considers expedient;
- (k) to fix and collect fees or other charges for registration under clause *j* and to prescribe the form thereof and the conditions under which registration may be made;
- (l) to make and promulgate rules for the conduct of horse racing in any of its forms;
- (m) to employ stewards, veterinarians, analysts and such other persons as the Commission considers expedient to attend at race meetings on behalf of the Commission;
- (n) to require approval by the Commission of the appointment of race track officials and employees whose duties relate to the actual running of horse races and to compel the discharge for cause of any such official or employee;
- (o) to fix, impose and collect fines and other penalties for a contravention of any requirement of the Commission under this Act;
- (p) to require persons licensed to operate race tracks to keep books of account in a manner satisfactory to the Commission, and to inspect such books at any time;
- (q) to do such things relating to horse racing in any or all of its forms, or to the operation of race tracks at which horse racing is carried on, as are authorized or directed by the Lieutenant Governor in Council. R.S.O. 1960, c. 342, s. 11.

12. The accounts of the Commission shall be audited by the Audit Provincial Auditor or by such other auditor as the Lieutenant Governor in Council may appoint. R.S.O. 1960, c. 342, s. 12.

13. The Commission shall make a report annually to the Annual Minister, containing such information as the Minister may report require. R.S.O. 1960, c. 342, s. 13.

14. The Lieutenant Governor in Council may make regula- Regulations tions with respect to any and all matters or things that are considered necessary for the carrying out of this Act. R.S.O. 1960, c. 342, s. 14.

Racing rules,
etc., to be
administra-
tive

15. Rules for the conduct of horse racing may be promulgated by the Commission under this Act and any order or ruling issued or made by the Commission under this Act shall be deemed to be of an administrative and not of a legislative nature. R.S.O. 1960, c. 342, s. 15.

CHAPTER 399

The Radiological Technicians Act**1.** In this Act,Interpre-
tation

- (a) “Board” means the board appointed under this Act;
- (b) “Canadian Society” means the Canadian Society of Radiological Technicians;
- (c) “Ontario Society” means the Ontario Society of Radiological Technicians;
- (d) “radiological technician” means a person who practises the technical aspects of the medical use of ionizing radiation, including Roentgen or X-rays, radium, radioactive isotopes and particles for diagnosis or treatment;
- (e) “radiologist” means a legally qualified medical practitioner who holds a specialist certification in diagnostic or therapeutic radiology from the Royal College of Physicians and Surgeons of Canada;
- (f) “registered” means registered under this Act, and “registration” has a corresponding meaning;
- (g) “registrar” means the registrar appointed by the Board;
- (h) “regulations” means the regulations made under this Act. 1962-63, c. 122, s. 1.

2.—(1) The Board of Radiological Technicians is continued Board and shall consist of seven members appointed by the Lieutenant Governor in Council, comprising,

- (a) four radiological technicians recommended by the Board of Directors of the Ontario Society;
- (b) two radiologists recommended by the Section of Radiology of the Ontario Medical Association; and
- (c) one person, recommended by the board of directors of the Ontario Medical Association from the secretariat of the Ontario Medical Association, who is not a radiologist. 1962-63, c. 122, s. 2 (1), *amended*.

(2) Every member of the Board shall hold office for a period of two years, but any member is eligible for reappointment at the expiration of his term of office. Term of office

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the Lieutenant Vacancies

Governor in Council by the appointment of a person to hold office for the remainder of the term of such member.

Officers (4) The Board shall elect one member of the Board to be the chairman, one to be the vice-chairman and one to be the secretary-treasurer of the Board. 1962-63, c. 122, s. 2 (2-4).

Corporation **3.**—(1) The Board is a corporation. 1962-63, c. 122, s. 3 (1), *amended*.

Function (2) The Board shall administer and enforce this Act and the regulations.

Actions against Board barred (3) No action shall be brought against the Board or any member of it for anything done under this Act or the regulations. 1962-63, c. 122, s. 3 (2, 3).

By-laws **4.** The Board may pass by-laws providing for,
(a) the calling and conduct of its meetings and proceedings;
(b) the remuneration and expenses of persons employed by the Board while engaged upon the business of the Board;
(c) the appointment and remuneration of a registrar, teachers, examiners, inspectors and such other persons as the Board may employ, and prescribing the duties of such persons;
(d) banking and finance and the management of its property;
(e) entering into an agreement or agreements with any university, school or college for such instruction, direction and lectures as may be necessary for the purposes of this Act; and
(f) all other matters reasonably necessary for carrying out the provisions of this Act. 1962-63, c. 122, s. 4.

Registration **5.**—(1) The Board shall register any radiological technician who on the 1st day of August, 1964,

- (a) is an active or associate member of the Ontario Society; or
- (b) has met the training and examination standards prescribed jointly by the Canadian Society and the Canadian Association of Radiologists, and is practising as a radiological technician in Ontario, and applies to the Board to be registered before the 1st day of August, 1965; or
- (c) has been practising in Ontario as a radiological technician for a period of five years under the supervision of a

legally qualified medical practitioner and passes the examinations of the Board,

and complies with the regulations. 1962-63, c. 122, s. 5 (1); 1964, c. 98, s. 1, *amended*.

- (2) The registrar shall register any person who, Idem
- (a) has completed the course of training prescribed by the regulations;
 - (b) has passed the examinations of the Board; and
 - (c) has paid the prescribed fees. 1962-63, c. 122, s. 5 (2).

6.—(1) The registrar shall keep a register of all registered radiological technicians showing their places of business or employment from time to time. Register

(2) If an application for registration is refused by the registrar or an entry is made in the register in error or by reason of misrepresentation, the Board may direct that the necessary entry, erasure or amendment be made in the register, and the registrar shall make such entry, erasure or amendment. Errors, etc.
1962-63, c. 122, s. 6.

7. The registrar shall issue a certificate of registration in respect of each registration, which shall be renewed annually at such times and upon such conditions and the payment of such fee as the regulations prescribe. Certificate of registration
1962-63, c. 122, s. 7.

8. No person shall use the title "Registered Radiological Technician" or the abbreviation "R.R.T." unless he is registered. Use of title
1962-63, c. 122, s. 8.

- 9.**—(1) Any person not registered, Unauthorized use of title, etc.
- (a) who assumes or uses the title "Registered Radiological Technician" or the abbreviation "R.R.T.", or any other words or letters to indicate that he is a registered radiological technician; or
 - (b) who directly or indirectly by advertisement, sign or statement of any kind advertises, alleges or claims by any means whatsoever that he is entitled to assume or use the title "Registered Radiological Technician" or the abbreviation "R.R.T.",

is guilty of an offence and is liable on summary conviction, for a first offence, to a fine of not less than \$100 and not more than \$200 and, for any subsequent offence, to a fine of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than three months, or to both.

- Disposition of fines (2) All fines recovered for offences against this section shall be paid to the registrar for the use of the Board. 1962-63, c. 122, s. 9.
- Suspension, revocation of registration **10.**—(1) The Board may by order suspend or revoke the registration of any registered radiological technician who it finds has been guilty of unprofessional conduct as defined by the regulations, or of incompetence, fraud or misrepresentation in connection with his practice.
- Public hearing (2) Before suspending or revoking the registration of a registered radiological technician under subsection 1, the Board shall, by notice in writing, inform him of the complaint or charge that has been made against him and shall provide him with an opportunity of appearing in person or by counsel before the Board at a public hearing and of presenting such evidence and making such representations as he desires.
- Powers (3) The chairman or vice-chairman of the Board in conducting a public hearing under this section has the same powers as may be conferred upon a commissioner under *The Public Inquiries Act*.
R.S.O. 1970, c. 379
- Review of order (4) The Board may review at any time any order made under this section and may make such further order as it considers proper.
- Service of order (5) A copy of any order made under this section shall be served on the person affected. 1962-63, c. 122, s. 10.
- Appeal **11.**—(1) Any person affected by an order made under section 10 may appeal therefrom to a judge of the county or district in which he practices.
- Notice of appeal (2) Notice of appeal shall be given in writing within two weeks after service of the copy of the order of the Board on the person affected by filing a copy of the notice of appeal with the clerk of the court and serving a copy thereof on the registrar.
- Date of hearing (3) The appellant shall apply to the judge to fix a date for the hearing of the appeal, and shall forthwith serve on the registrar notice of the date so fixed.
- Appearances (4) The appellant may appear on the appeal in person or by counsel, and the Board may appear by any member thereof or by counsel.
- Nature of appeal (5) The hearing of the appeal shall be a trial *de novo*, and the judge may hear all such evidence as he considers to be relevant and may affirm the order of the Board, or amend it and affirm it as amended, or set it aside. 1962-63, c. 122, s. 11.
- Register as evidence **12.** The register, or a copy thereof certified by the registrar, is admissible in any proceedings as evidence of registration or lack thereof. 1962-63, c. 122, s. 12.

13. No registered radiological technician is liable in any civil action for negligence or malpractice by reason of professional services requested or rendered unless such action is commenced within twelve months from the date when, in the matter complained of, such professional services terminated. 1962-63, c. 122, s. 13. Limitation of actions

14.—(1) The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations, Regulations

- (a) prescribing the requirements for admission to courses of training for radiological technicians and the content of such courses;
- (b) providing for the holding of examinations for candidates for registration who are in attendance at or graduates of courses for radiological technicians and for persons referred to in clause *c* of subsection 1 of section 5;
- (c) governing registration and the suspension and cancellation of registration and the issue and renewal of certificates of registration;
- (d) defining unprofessional conduct for the purposes of this Act;
- (e) prescribing fees for the examination of candidates for registration, and for registration and for the renewal of registration;
- (f) prescribing the fees and expenses payable to members of the Board while carrying on their duties under this Act;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1962-63, c. 122, s. 14 (1); 1964, c. 98, s. 2.

(2) Every regulation made by the Board shall be submitted in writing to the Council of the College of Physicians and Surgeons at least thirty days before being submitted to the Lieutenant Governor in Council for approval, and any submissions of the Council of the College of Physicians and Surgeons shall be submitted to the Lieutenant Governor in Council with the application for approval of the regulations. 1962-63, c. 122, s. 14 (2). Submission of regulations for approval

CHAPTER 400

The Railway Fire Charge Act

1. In this Act,

(a) “collector” means the Land Tax Collector appointed under *The Provincial Land Tax Act*;

Interpre-
tation

R.S.O. 1970,
c. 370

(b) “Minister” means the Minister of Lands and Forests;

(c) “railway lands” includes all lands heretofore or hereafter set apart under any general or special Act of the Legislature as a land subsidy or otherwise in aid of any railway or of any works in connection therewith or of any works to be established, maintained or carried on by any railway.

(d) “tenant” includes a licensee and occupant and any person, other than the owner, having any right to cut timber on railway lands whether the right is derived from the owner or otherwise, but does not include a licensee under *The Crown Timber Act*. R.S.O. 1960, c. 343, s. 1; 1960-61, c. 86, s. 1.

R.S.O. 1970,
c. 102

2. The charge imposed by this Act is not payable in respect of railway lands situate in a municipality or in respect of railway lands wherever situate that are used in connection with a place of worship, churchyard, cemetery or burying ground or where the railway lands of an owner or tenant comprise fewer than 200 acres and are subject to the tax under *The Provincial Land Tax Act*. R.S.O. 1960, c. 343, s. 2.

Exemptions

3.—(1) Subject to section 2, the owner or tenant of any railway lands shall pay to the Minister annually for the uses of Ontario and for the purpose of defraying the expenses of protecting the property, rights and interest of such owner or tenant against fire, for every square mile or fraction thereof of such railway lands a sum not exceeding \$30 per annum as prescribed by the Lieutenant Governor in Council from time to time. R.S.O. 1960, c. 343, s. 3 (1); 1968, c. 112, s. 1.

Annual
charge for
protection

(2) Where the railway lands of an owner or tenant comprise fewer than 200 acres and such lands are not subject to tax under *The Provincial Land Tax Act*, the charge imposed by this Act is \$6.

Where
charge
to be \$6

(3) Subject to section 5, the tenant of any railway lands heretofore or hereafter acquired by the Crown shall pay the charge imposed by this Act. R.S.O. 1960, c. 343, s. 3 (2, 3).

Tenants of
railway lands
acquired by
Crown

Liability
of tenant

4.—(1) A tenant of railway lands is jointly and severally liable with the owner for the payment of the charge imposed by this Act and it becomes due and payable on or before the 1st day of February in each year.

Apportion-
ment of
charge

(2) If at any time any question arises between the owner and tenant of any railway lands as to the proportion in which the charge imposed by this Act is to be borne as between the owner and tenant, either the owner or the tenant may apply to the Minister to fix the proportion and the decision of the Minister is final and binding as between the owner and the tenant. R.S.O. 1960, c. 343, s. 4.

Exemption
of agri-
cultural
lands

5. Where the owner or tenant of any railway lands furnishes proof to the satisfaction of the Minister on or before the 1st day of January in any year in which the charge imposed by this Act is payable that such railway lands or any part thereof were during the preceding calendar year actually and in good faith in use for agricultural purposes, the owner or tenant is entitled to a reduction of the charge payable by him to the extent to which such railway lands were so used, and the decision of the Minister as to such right to exemption is final and is not open to appeal or to be questioned in any manner whatsoever. R.S.O. 1960, c. 343, s. 5.

Recovery
of charge
by action

6. The charge imposed by this Act is a debt due to the Crown and is recoverable at the suit of the Minister in an action brought by him in his name of office in a court of competent jurisdiction. R.S.O. 1960, c. 343, s. 6.

Collector's
roll

7. The collector shall prepare a roll of the lands in respect of which the charge imposed by this Act is payable and shall insert therein such particulars as he is able to ascertain and as are required by the regulations. R.S.O. 1960, c. 343, s. 7.

Computation
of charges

8.—(1) The collector shall compute the annual charges imposed by this Act and shall insert the amounts thereof in the roll.

Billing

(2) The collector shall send a bill by prepaid mail to every owner or tenant of railway lands on which a charge is imposed by this Act at his latest known address on or before the 15th day of January in the year for which the charge is imposed, and such bill shall contain a description of the lands, the area thereof, the amount of the charge payable and such other information as the collector considers appropriate. R.S.O. 1960, c. 343, s. 8.

Penalty
and interest
on unpaid
charges

9. Where the charge imposed by this Act remains unpaid on the 1st day of March in the year for which it is payable, a penalty of 5 per cent shall be added thereto and the charge and penalty shall bear interest at the rate of 6 per cent per annum from such

1st day of March until paid, and for all purposes the amount of the charge, penalty and interest shall be deemed to be the charge due and payable under this Act. R.S.O. 1960, c. 343, s. 9.

10. Sections 23 and 24 of *The Provincial Land Tax Act* apply *mutatis mutandis* to this Act. R.S.O. 1960, c. 343, s. 10.

Application
of
R.S.O. 1970,
c. 370
ss. 23, 24

11. Except in accordance with a system established or approved by the Lieutenant Governor in Council, no patentee of railway lands and no owner or tenant who is a subsidiary of or affiliated with a patentee of railway lands shall charge any fee for the use of his railway lands for the purpose of hunting or fishing, and no such patentee, owner or tenant shall prohibit any person from hunting or fishing on such railway lands. 1966, c. 134, s. 1.

Hunting
and fishing
on railway
lands

12. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing forms and providing for their use;
 - (b) requiring the owners and tenants of railway lands to furnish such returns and other information to the Minister as he considers necessary;
 - (c) establishing or approving one or more systems for the use of designated railway lands for hunting or fishing as provided for in the exception mentioned in section 11;
 - (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 343, s. 11; 1966, c. 134, s. 2.
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CHAPTER 401

**The Real Estate and Business Brokers
Act****1. In this Act,**Interpre-
tation

- (a) “broker” means a person who, for another or others, for compensation, gain or reward or hope or promise thereof, either alone or through one or more officials or salesmen, trades in real estate, or a person who holds himself out as such;
- (b) “business” means an undertaking carried on for the purpose of gain or profit, and includes an interest in any such undertaking, and, without limiting the generality of the foregoing, includes a boarding house, hotel, store, tourist camp and tourist home;
- (c) “Department” means the Department of Financial and Commercial Affairs;
- (d) “Director” means the Director of the Consumer Protection Division of the Department;
- (e) “Minister” means the Minister of Financial and Commercial Affairs;
- (f) “officer” means the chairman or vice-chairman of the board of directors, president, vice-president, secretary, treasurer or secretary-treasurer or general manager of a corporation or a partner or general manager of a partnership and includes the manager of the real estate department of a trust company;
- (g) “prescribed” means prescribed by this Act or the regulations;
- (h) “real estate” includes real property, leasehold and business whether with or without premises, fixtures, stock-in-trade, goods or chattels in connection with the operation of the business;
- (i) “register” means the register under this Act;
- (j) “Registrar” means the Registrar of Real Estate and Business Brokers;
- (k) “regulations” means the regulations made under this Act;
- (l) “salesman” means a person employed, appointed or authorized by a broker to trade in real estate;

(m) “trade” includes a disposition or acquisition of or transaction in real estate by sale, purchase, agreement for sale, exchange, option, lease, rental or otherwise and any offer or attempt to list real estate for the purpose of such a disposition or transaction, and any act, advertisement, conduct or negotiation, directly or indirectly, in furtherance of any disposition, acquisition, transaction, offer or attempt, and the verb “trade” has a corresponding meaning;

R.S.O. 1970,
c. 113

(n) “Tribunal” means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act*. R.S.O. 1960, c. 344, s. 1; 1964, c. 99, s. 1; 1968-69, c. 105, s. 1.

REGISTRAR

Registrar

2.—(1) There shall be a Registrar of Real Estate and Business Brokers who shall be appointed by the Lieutenant Governor in Council. R.S.O. 1960, c. 344, s. 2 (1).

Power and
duties

(2) The Registrar may exercise the powers and shall discharge the duties conferred and imposed upon him by this Act and the regulations under the supervision of the Director. R.S.O. 1960, c. 344, s. 2 (2); 1964, c. 99, s. 2.

REGISTRATION

Registration

3.—(1) No person shall,

- (a) trade in real estate as a broker unless he is registered as a broker;
- (b) trade in real estate as a salesman unless he is registered as a salesman of a registered broker;
- (c) act on behalf of a corporation or partnership in connection with a trade in real estate unless he and the corporation or partnership are registered as brokers.

Change in
partnership

(2) Any change in the membership of a partnership shall be deemed to create a new partnership for the purpose of registration.

Change in
officers of
corporation

(3) A change in the officers of a corporation registered as a broker may be made only with the consent of the Registrar. 1968-69, c. 105, s. 2, *part*.

Registration
of branch
offices

4.—(1) No broker shall conduct a business of trading in real estate from more than one place at which the public is invited to deal unless he is registered in respect of each such place, one of which shall be designated in the registration as the main office and the remainder as branch offices.

(2) Each branch office shall be under the supervision of a registered broker and each branch office having more than one registered salesman shall be under direct management by a registered broker or by a salesman who has been registered for at least two years and who is under the supervision of a registered broker. 1968-69, c. 105, s. 2, *part*.

5. Registration shall not be required in respect of any trade in real estate by, Exemptions

- (a) an assignee, custodian, liquidator, receiver, trustee or other person acting under the *Bankruptcy Act* (Canada), *The Corporations Act*, *The Business Corporations Act*, *The Judicature Act*, the *Winding-up Act* (Canada), or to a person acting under the order of any court, or an executor or trustee selling under the terms of a will, marriage settlement or deed of trust; R.S.C. 1952, cc. 14, 296
R.S.O. 1970, cc. 89, 53, 228
- (b) an auctioneer where the trade is made in the course of and as part of his duties as auctioneer;
- (c) a person who is registered under *The Securities Act* where the trade is made in the course of and as part of his business in connection with a trade in securities; R.S.O. 1970, c. 426
- (d) a bank or a loan, trust or insurance company trading in real estate owned or administered by the company;
- (e) a person in respect of any mine or mining property within the meaning of *The Mining Act* or in respect of the real estate included in a Crown grant or lease, a mining claim or mineral lands under *The Mining Act* or any predecessor thereof; R.S.O. 1970, c. 274
- (f) a full-time salaried employee of a party to a trade where the employee is acting for or on behalf of his employer in respect of land situate in Ontario;
- (g) a person who is practising as a solicitor of the Supreme Court where the trade is made in the course of and as a part of the solicitor's practice;
- (h) a person, on his own account, in respect of his real estate, where such trade did not result from,
 - (i) an offer of such person to act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade, or
 - (ii) a request that such person act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade,
 and the interest of such person in the real estate was acquired prior to such offer or request;

- (i) a person in respect of the provision for another, for remuneration other than by commission, of all consultations, undertakings and services necessary to arrange for the routing of a right-of-way including the acquisition of land or interests in land for the purpose, and his employees engaged in the project; or
- (j) a person specifically exempted by the regulations in respect of any class of trades in real estate. 1968-69, c. 105, s. 2, *part*.

Registration
of agencies

6.—(1) An applicant is entitled to registration or renewal of registration except where,

- (a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;
- (b) the application is for registration as a salesman and the applicant is not employed, appointed or authorized by a broker to trade in real estate on his behalf; or
- (c) the applicant is or proposes to be in contravention of this Act or the regulations.

Conditions
of
registration

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. 1968-69, c. 105, s. 2, *part*.

Registration
of broker
corporation

7.—(1) A corporation having share capital shall not be registered as a broker,

- (a) unless the persons holding shares carrying at least 51 per cent of the voting rights attached to all shares of the corporation for the time being outstanding are registered brokers, but this clause does not apply to a corporation that is a trust company registered under *The Loan and Trust Corporations Act*;
- (b) if any broker holding voting shares of the corporation acts as broker in respect of any other business registered as a broker or holds voting shares in any other corporation registered as a broker, but this clause does not apply to the holding of voting shares of a corporation that is a trust company registered under *The Loan and Trust Corporations Act* where the shares held do not give the holder a substantial interest; or
- (c) if a salesman holds shares of the corporation carrying more than 10 per cent of the voting rights attached to all shares of the corporation for the time being outstanding.

R.S.O. 1970,
c. 254

R.S.O. 1970,
c. 254

Exception

(2) Clause *b* of subsection 1 does not apply to a corporation that is a trust company registered under *The Loan and Trust Corporations Act* in which a broker holds voting shares amounting

to a substantial interest where the shares were held and the trust company was registered under this Act on the 28th day of October, 1970.

(3) A person other than a broker or salesman may hold voting shares of more than one corporation registered as brokers except that where such person holds voting shares in more than one such corporation he shall not hold more than 10 per cent of the voting shares of each such corporation for the time being outstanding.

Share-
holders other
than brokers
or salesmen

(4) A salesman shall not,

Salesmen
as share-
holders

(a) acquire shares of a corporation registered as a broker unless the shares are acquired while he is a salesman for the corporation, but this clause does not apply to the acquisition of shares of a corporation that is a trust company registered under *The Loan and Trust Corporations Act*;

R.S.O. 1970,
c. 254

(b) hold shares in more than one corporation registered as brokers, at the same time, other than shares of a corporation that is a trust company registered under *The Loan and Trust Corporations Act*; or

(c) become a salesman for another broker until he discloses his interest to such broker. 1968-69, c. 105, s. 2, *part*.

8.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 or 7 if he were an applicant, or where the registrant is in breach of a condition of the registration.

Revocation

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. 1968-69, c. 105, s. 2, *part*.

Voluntary
cancellation

9.—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Hearing by
Tribunal

(2) Where the Registrar refuses to renew a registration, the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first.

Stay of
refusal to
renew

(3) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Notice of
hearing

Idem	<p>(4) The notice of hearing shall contain,</p> <ul style="list-style-type: none"> (a) a statement of the time and place of the hearing; (b) a statement of the statutory power under which the hearing is being held; (c) a reference to the rules of procedure applicable to the hearing; (d) a concise statement of the issues; and (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings. 1968-69, c. 105, s. 2, <i>part</i>.
Parties	<p>10.—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.</p>
Failure to attend	<p>(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence. 1968-69, c. 105, s. 2, <i>part</i>.</p>
Adjournment	<p>11.—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,</p> <ul style="list-style-type: none"> (a) on its own motion; or (b) on the motion of any party to the hearing.
Subpoenas	<p>(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.</p>
Oaths	<p>(3) The Tribunal may require any person,</p> <ul style="list-style-type: none"> (a) to give evidence on oath at a hearing; and (b) to produce such documents and things as the Tribunal requires.
Objection re self-incrimination R.S.O. 1970, c. 151 R.S.C. 1952, c. 307	<p>(4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of <i>The Evidence Act</i> and section 5 of the <i>Canada Evidence Act</i>.</p>
Unsworn testimony	<p>(5) The Tribunal may admit evidence not given under oath.</p>
Offences	<p>(6) Any person who, without lawful excuse,</p> <ul style="list-style-type: none"> (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or

- (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

(7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. 1968-69, c. 105, s. 2, *part*. Enforcement

12. Any party may be represented before the Tribunal by counsel or agent. 1968-69, c. 105, s. 2, *part*. Right of party of counsel

13.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. 1968-69, c. 105, s. 2, *part*. Exclusion of counsel

14. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. 1968-69, c. 105, s. 2, *part*. Right of parties at hearing

15.—(1) All hearings shall be open to the public except where the Tribunal finds that, Hearings to be open to public; exceptions

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. 1968-69, c. 105, s. 2, *part*. Idem

16. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. 1968-69, c. 105, s. 2, *part*. Release of exhibits

Specialized
knowledge

17.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.

Notice

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.

Contents
and service
of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. 1968-69, c. 105, s. 2, *part*.

Record

18. All oral evidence received by the Tribunal shall be taken down in writing and together with,

- (a) the notice of hearing;
- (b) any rulings or orders made in the course of the proceedings of the Tribunal;
- (c) any written submissions received by the Tribunal; and
- (d) the decision and the reasons therefor,

form the record. 1968-69, c. 105, s. 2, *part*.

Decision of
Tribunal

19.—(1) The Tribunal may, after the hearing,

- (a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;
- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision
to be in
writing

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of
reasons for
decision

(3) The reasons for the final decision shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of facts; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of
decision

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. 1968-69, c. 105, s. 2, *part*.

20. A certified copy of the final decision of the Tribunal, Enforcement of decisions exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. 1968-69, c. 105, s. 2, *part.*

21.—(1) Any party to the hearing before the Tribunal may Appeal to Court of Appeal appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

(2) The Minister may designate counsel to assist the court Counsel upon the hearing of an appeal under this section.

(3) An appeal under this section may be made on questions of Decision of court law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. 1968-69, c. 105, s. 2, *part.*

22. An order of the Tribunal refusing to renew or suspending Stay or revoking a registration shall take effect immediately but the Tribunal may grant a stay until the order becomes final. 1968-69, c. 105, s. 2, *part.*

23. A further application for registration may be made upon Further applications new or other evidence or where it is clear that material circumstances have changed. 1968-69, c. 105, s. 2, *part.*

24.—(1) Where the Registrar receives a complaint in respect Investigation of complaints of a broker and so requests in writing, the broker shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

(2) The request under subsection 1 shall indicate the nature of Idem the inquiry involved.

(3) For the purposes of subsection 1, the Registrar or any Idem person designated in writing by him may at any reasonable time enter upon the business premises of the registrant to make an inspection in relation to the complaint. 1968-69, c. 105, s. 2, *part.*

25.—(1) The Registrar or any person designated by him in Inspection writing may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration

and the maintenance of trust accounts and the regulation of trades are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a broker or salesman while unregistered, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3 or 4. 1968-69, c. 105, s. 2, *part*.

Powers of inspection

26.—(1) Upon an inspection under section 24 or 25, the person inspecting,

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original. 1968-69, c. 105, s. 2, *part*.

Investigations

27.—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has,

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

1953-54,
c. 51 (Can.)

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

Investigation by order of Minister

(2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any

matter to which this Act applies and the person appointed shall report the result of his investigation to the Minister.

(3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

Scope of investigation

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated.

Removal of records

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original document or record.

Admissibility of copies

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act.

Appointment of experts

(7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 11 and section 13 apply to the investigator and the witness in the same manner as to the Tribunal and witnesses before it.

Evidence by witness

(8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation. 1968-69, c. 105, s. 2, *part*.

Confidentiality

28. Where, upon the report of an investigation made under subsection 1 of section 27, it appears to the Director that a person may have,

Report

1953-54,
c. 51 (Can.)

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister. 1968-69, c. 105, s. 2, *part*.

Order to
refrain from
dealing with
assets

29.—(1) The Director may,

- (a) after an investigation of any person has been ordered under section 27; or
- (b) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b*, to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank or loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

R.S.C. 1952,
cc. 14, 296
R.S.O. 1970,
cc. 228, 89, 53

Bond
in lieu

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

R.S.O. 1970,
c. 196

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

Application
for
direction

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. 1968-69, c. 105, s. 2, *part*.

Notice to
registrar
of deeds,
etc.

REGULATION OF TRADING

30.—(1) Every broker shall keep a trade record sheet in the prescribed form and proper books and accounts with respect to his trades and shall enter therein in the case of each trade,

Books, etc.
to be kept

- (a) the nature of the trade;
- (b) a description of the real estate involved sufficient to identify it;
- (c) the true consideration for the trade;
- (d) the names of all parties to the trade;
- (e) the amount of deposit received and a record of the disbursement thereof; and
- (f) the amount of his commission or other remuneration and the name of the party paying it. R.S.O. 1960, c. 344, s. 35 (1); 1968-69, c. 105, s. 3.

(2) Every broker shall maintain a trust account for every person from whom trust moneys are received in which shall be entered full details of all trust moneys so received and disbursements therefrom. R.S.O. 1960, c. 344, s. 35 (2).

Trust
ledger

31.—(1) Every broker shall maintain an account designated as a trust account in a chartered bank, loan or trust company or Province of Ontario Savings Office in which shall be deposited all moneys that come into his hands in trust for other persons in connection with his business, and he shall at all times keep such moneys separate and apart from moneys belonging to himself or to the partnership, in the case of a partnership, and shall disburse such moneys only in accordance with the terms of the trust. R.S.O. 1960, c. 344, s. 36.

Bank
account

Unclaimed
trust
moneys

(2) Where a broker holds moneys in trust for a period of one year after the person for whom it is held first became entitled to payment of the moneys and such person cannot be located, the broker shall pay the moneys to the Treasurer of Ontario who shall pay the moneys to the person appearing to the Treasurer to be entitled thereto. 1968-69, c. 105, s. 4.

Notice of
changes

32.—(1) Every broker shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in his address for service;
- (b) any change in the officers in the case of a corporation or partnership;
- (c) any commencement or termination of employment, appointment or authorization of a salesman.

Idem

(2) Every salesman shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in his address for service;
- (b) any commencement or termination of his employment, appointment or authorization by a broker.

Idem

(3) The Registrar shall be deemed to be notified under subsections 1 and 2 on the day on which he is actually notified or, where the notification is by mail, on the day of mailing.

Financial
statements

(4) Every broker carrying on the business of trading in real estate shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the proprietor or officer of the broker's business and certified by a person licensed under *The Public Accountancy Act*.

R.S.O. 1970,
c. 373

Statement
confidential

(5) The information contained in a financial statement filed under subsection 4 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement. 1968-69, c. 105, s. 5.

Action for
commission
or
remuneration

33. No action shall be brought for commission or for remuneration for services in connection with a trade in real estate unless at the time of rendering the services the person bringing the action was registered or exempt from registration and the court may stay any such action at any time upon summary application. R.S.O. 1960, c. 344, s. 39.

Idem

34. Subject to section 43, no action shall be brought to charge any person for the payment of a commission or other remuneration for the sale, purchase, exchange or leasing of real estate,

- (a) unless the agreement upon which the action is brought is in writing and signed by the party to be charged

therewith or some person thereunto by him lawfully authorized; or

- (b) unless the broker or his salesman has obtained an offer in writing that is accepted; or
- (c) unless the broker having been authorized in writing to list the property,
 - (i) shows the property to the purchaser, or
 - (ii) introduces the purchaser to the vendor for the purpose of discussing the proposed sale, purchase, exchange or leasing. R.S.O. 1960, c. 344, s. 40.

35. No broker or salesman shall, as an inducement to purchase, sell or exchange real estate, make any representation or promise that he or any other person will, Promises to resell, etc., prohibited

- (a) resell or in any way guarantee or promise to resell any real estate offered for sale by him;
- (b) purchase or sell any of the purchaser's real estate;
- (c) procure a mortgage, extension of a mortgage, lease or extension of a lease; or
- (d) purchase or sell a mortgage or procure a loan,

unless at the time of making the representation or promise the broker or salesman making it delivers to the person to whom the representation or promise is made a statement signed by the broker or salesman clearly setting forth all the details of the representation or promise made. R.S.O. 1960, c. 344, s. 41.

36. A broker carrying on business alone and not through an incorporated company shall carry on business in his own name only and shall not use any description, words or device that would indicate that his business is being carried on by more than one person or by a company, but a surviving or remaining partner may carry on business in the name of the original partnership in which case he shall publish on all letterheads and circulars used by him in connection with his business the fact that he is the sole proprietor thereof. R.S.O. 1960, c. 344, s. 42. Carrying on business as individual

37. No broker or salesman shall trade in real estate until notified in writing by the Registrar that he is registered. R.S.O. 1960, c. 344, s. 43. Broker not to trade until notified of registration

38. A person who is not registered as a broker shall neither directly nor indirectly hold himself out as being a broker and a person who is not registered as a salesman shall neither directly nor indirectly hold himself out as being a salesman. R.S.O. 1960, c. 344, s. 44. Unregistered broker and salesman

Advertising

39. Every broker shall, when advertising to purchase, sell, exchange or lease real estate, clearly indicate his own name as being the party advertising and that he is a broker, and any reference to the name of a salesman in the advertisement shall clearly indicate the broker as being the employer of the salesman. R.S.O. 1960, c. 344, s. 46.

Employment of unregistered person or salesman of other broker

40. No broker shall,

- (a) employ or engage the salesman of another broker to trade in real estate or permit such salesman to act on his behalf;
- (b) employ or engage an unregistered person to trade in real estate or permit such person to act on his behalf; or
- (c) pay any commission or other remuneration to any person referred to in clause *a* or *b*,

but this section does not prevent the employing, engaging or paying of a person who is duly registered or licensed as a broker or its equivalent in another jurisdiction in respect of a trade in that jurisdiction. 1968-69, c. 105, s. 7.

Salesmen trading for other brokers

41. No salesman shall trade in real estate on behalf of any broker other than the broker who, according to the records of the Registrar, is his employer, and no salesman is entitled to or shall accept any commission or other remuneration for trading in real estate from any person except the broker who is registered as his employer. R.S.O. 1960, c. 344, s. 48; 1962-63, c. 123, s. 23.

Statement where broker or salesman purchases for resale

42.—(1) No broker or salesman shall purchase, lease, exchange or otherwise acquire for himself or make an offer to purchase, lease, exchange or otherwise acquire for himself, either directly or indirectly, any interest in real estate for the purpose of resale unless he first delivers to the vendor a written statement that he is a broker or salesman, as the case may be, and the vendor has acknowledged in writing that he has received the statement.

Idem, where property listed with purchaser

(2) Where real estate in respect of which a broker or salesman is required to give a statement under subsection 1 is listed with the broker or, in the case of a salesman, is listed with the broker by whom the salesman is employed, appointed or authorized to trade in real estate, the statement shall include,

- (a) full disclosure of all facts within his special knowledge that affect or will affect the resale value of the real estate; and
- (b) the particulars of any negotiation or agreement by or on behalf of the broker or salesman for the sale, exchange, lease or other disposition of any interest in the real estate to any other person. 1968-69, c. 105, s. 8.

43.—(1) No broker or salesman shall induce any party to a contract for sale or rental of real estate to break the contract for the purpose of entering into another such contract. Breaking of contract prohibited

(2) Unless agreed to in writing by the vendor, no broker is entitled to claim commission from him in respect of a trade in real estate if the real estate is to the knowledge of the broker covered by an unexpired exclusive listing agreement with another broker. R.S.O. 1960, c. 344, s. 50. Commission

(3) Every person signing a listing agreement or an agreement for sale or rental of real estate shall state with his signature the date upon which the signature was actually affixed. 1968-69, c. 105, s. 9. Date of signing listing or offer

44.—(1) Where a trade in a business is negotiated by a broker or his salesman, the broker or his salesman, as the case may be, shall before a binding agreement of purchase and sale is signed by the parties deliver to the person acquiring the business, Statements to be delivered in purchase of business

- (a) a profit and loss statement or statement showing the revenue and disbursements of the business during the preceding twelve months or since the acquisition of the business by the person disposing of it; and
- (b) a statement of the assets and liabilities of the business; and
- (c) a statement containing a list of all fixtures, goods, chattels, rights and other assets relating to or connected with the business that are not included in the transaction,

and every such statement shall be signed by the person disposing of the business or his agent lawfully authorized in that behalf. R.S.O. 1960, c. 344, s. 51 (1).

(2) Where the broker or salesman, as the case may be, delivers to the person acquiring the business a statement under oath of the person disposing of the business setting forth, Waiver

- (a) the terms and conditions under which the person disposing of the business holds possession of the premises in which the business is being carried on; and
- (b) the terms and conditions under which the person disposing of the business has sublet a part of the premises in which the business is being carried on; and
- (c) all liabilities of the business; and
- (d) that the person disposing of the business has made available such books of account of the business as he possesses for inspection by the person acquiring the business, or that the person disposing of the business has

refused to do so or has no books of account of the business, as the case may be,

the person acquiring the business may waive compliance with clauses *a* and *b* of subsection 1 by signing and delivering to the broker or salesman, as the case may be, a statement that he has received and read the statement under oath of the person disposing of the business. R.S.O. 1960, c. 344, s. 51 (2); 1968-69, c. 105, s. 10.

What to be
deemed
included in
transaction

(3) Unless the statement mentioned in clause *c* of subsection 1 is delivered in accordance with subsection 1, all fixtures, goods, chattels and rights and other assets relating to or connected with the business shall be deemed to be included in the transaction. R.S.O. 1960, c. 344, s. 51 (3).

Type of
commission
prohibited

45.—(1) No broker or salesman shall request or enter into an arrangement for the payment to him of commission or other remuneration based on the difference between the price at which real estate is listed for sale and the actual sale price thereof, nor is a broker or salesman entitled to retain any commission or other remuneration computed upon any such basis.

Commission
and remun-
eration,
scale

(2) All commission or other remuneration payable to a broker in respect of a trade in real estate shall be upon an agreed amount or percentage of the sale price or rental, as the case may be, and, where no agreement as to the amount of the commission has been entered into, the rate of commission or other basis or amount of remuneration shall be that generally prevailing in the community where the real estate is situate. R.S.O. 1960, c. 344, s. 52.

Agreement
to list real
estate with
broker

46.—(1) Every broker and salesman shall, immediately after the execution of an agreement to list real estate for sale, exchange, lease or rent with the broker, deliver to the person who has signed the agreement a true copy thereof.

Expiry of
agreement

(2) An agreement with a broker to list real estate for sale, exchange, lease or rental is not valid,

- (a) if it does not contain a provision that it will expire on a certain date specified therein;
- (b) if it contains a provision for more than one date on which it may expire; or
- (c) if a true copy of it is not delivered by the broker or his salesman to the other party immediately after its execution. R.S.O. 1960, c. 344, s. 53.

Agreements
to sell,
purchase,
etc.

47. Where a broker or salesman has secured an acceptance of an offer to sell, purchase, exchange, lease or rent real estate, he shall require each of the parties to sign a sufficient number of copies of the agreement and he shall retain one signed copy and

shall forthwith deliver one signed copy to each of the parties. R.S.O. 1960, c. 344, s. 54.

TRADING IN SUBDIVISION LOTS OUTSIDE ONTARIO

48. In sections 49 to 59, “subdivision” means improved or unimproved land divided or proposed to be divided into five or more lots or other units for the purpose of sale or lease and includes land divided or proposed to be divided into condominium units. 1968-69, c. 105, s. 11.

Interpretation

49.—(1) No person shall, in any capacity, trade in real estate, where the real estate is a lot or unit of land in a subdivision located outside Ontario, until there has been filed with the Registrar a prospectus containing the prescribed information and until there has been obtained from the Registrar a certificate of acceptance thereof. 1962-63, c. 123, s. 24, *part*.

Sale of subdivision land outside Ontario prospectus required

(2) No person shall make any representation, written or oral, that the Director or the Registrar has passed upon the financial standing, fitness or conduct of any person in connection with any such prospectus or upon the merits of any such prospectus. 1962-63, c. 123, s. 24, *part*; 1964, c. 99, s. 13.

Certain representations prohibited

50.—(1) No person shall, either as a vendor or as a broker or salesman, enter into or negotiate any contract for the sale or lease of a lot or a unit of land in a subdivision located outside Ontario unless,

Prospectus to be delivered to purchaser

- (a) a copy of the prospectus referred to in section 49 or such shorter form of the prospectus as the Registrar may have approved for distribution to the public has been delivered to the prospective purchaser or tenant, as the case may be;
- (b) the prospective purchaser or tenant has in writing acknowledged receipt of a copy of the prospectus or the shorter form of the prospectus and that he has been afforded the opportunity to read it; and
- (c) he is a registered broker or the contract is negotiated by a registered broker. 1962-63, c. 123, s. 24, *part*; 1968-69, c. 105, s. 12.

(2) Every acknowledgment referred to in subsection 1 shall be retained by the vendor or broker and be available for inspection by the Registrar for a period of not less than three years.

Acknowledgment to be retained for inspection

(3) A purchaser or tenant who has entered into a contract where subsection 1 applies is entitled to rescission of the contract if,

When purchaser entitled to rescission

- (a) subsection 1 has not been complied with; and

- (b) written notice of exercising the right of rescission is served on the vendor or broker within ninety days of the signing of the contract.

Onus of
proof

(4) In an action for rescission under subsection 3, the onus of proving compliance with subsection 1 rests upon the vendor.

Other
rights
preserved

(5) The right of rescission provided in this section is in addition to any other rights that the purchaser or tenant may have in respect of the contract. 1962-63, c. 123, s. 24, *part*.

Material
in support
of prospectus

51. Each prospectus submitted to the Registrar for filing shall be accompanied by,

- (a) an affidavit of the owner of the subdivision or, where the owner is a corporation, any three directors thereof, as to the correctness of every matter of fact stated in the prospectus;
- (b) a copy of every plan referred to in the prospectus;
- (c) a copy of every form of contract referred to in the prospectus;
- (d) such documents as the Registrar may require to support any statement of fact, proposal or estimate set out in the prospectus;
- (e) such financial particulars of the owner as the Registrar may require; and
- (f) the prescribed fees. 1962-63, c. 123, s. 24, *part*.

Conditions
precedent
to grant of
certificate

52. The Registrar shall not grant a certificate of acceptance where it appears that,

- (a) the prospectus contains any statement, promise or forecast that is misleading, false or deceptive, or has the effect of concealing material facts;
- (b) adequate provision has not been made for the protection of deposits or other funds of purchasers or for assurance of title or other interest contracted for;
- (c) the prospectus fails to comply in any substantial respect with any of the requirements prescribed;
- (d) the requirements of section 51 have not been complied with in any substantial respect;
- (e) the proposed methods of offering do not accord with standard real estate practices in Ontario. 1962-63, c. 123, s. 24, *part*; 1968-69, c. 105, s. 13.

Inquiries,
etc.

53.—(1) The Registrar may make such inquiries in respect of a prospectus as he considers necessary, including,

- (a) an examination of the subdivision and any of the surrounding circumstances; and
- (b) the obtaining of reports from public authorities or others within or outside Ontario. 1968-69, c. 105, s. 14.

(2) The reasonable and proper costs of such inquiries or reports shall be borne by the person on whose behalf the prospectus was filed. 1962-63, c. 123, s. 24, *part*. Costs

54. The Registrar shall grant the certificate of acceptance where the requirements of this Act and the regulations have been complied with and in his opinion such action is in the public interest, but he shall not refuse to grant such a certificate without giving the person on whose behalf the prospectus was filed an opportunity to be heard. 1962-63, c. 123, s. 24, *part*. Powers of Registrar

55. Where the Registrar has refused to grant or has revoked a certificate of acceptance, sections 9 to 23 apply *mutatis mutandis*. 1962-63, c. 123, s. 24, *part*. Review by Superintendent, and appeal

56.—(1) If a change occurs with regard to any of the matters set out in any prospectus, Change in circumstances

- (a) that would have the effect of rendering a statement in the prospectus false or misleading; or
- (b) that brings into being a fact or proposal that should have been disclosed in the prospectus if the fact or proposal had existed at the time of filing,

the person who filed the prospectus shall, within twenty days of the change occurring, notify the Registrar in writing of the change and shall file an amendment to the prospectus or a new prospectus as the Registrar may direct.

(2) Where trading in real estate mentioned in section 49 is still in progress twelve months from the date of the filing of the last prospectus, a new prospectus shall be filed with the Registrar within twenty days from the expiration of such twelve-month period. New prospectus every 12 months

(3) Sections 48 to 55 apply *mutatis mutandis* where a prospectus is amended or a new prospectus is filed under subsection 1 or 2. 1962-63, c. 123, s. 24, *part*. Application of ss. 48-55

57. Where it appears to the Registrar, subsequent to the filing of a prospectus and the granting of a certificate of acceptance therefor, that any of the conditions referred to in section 52 exist or where in his opinion such action is necessary in the public interest, he may, after giving the person on whose behalf the prospectus was filed an opportunity to be heard, revoke the certificate of acceptance and order that all trading in the subdivi- Stop orders

sion to which the prospectus refers shall cease forthwith. 1962-63, c. 123, s. 24, *part*.

Approval of
advertisements

58. No person shall publish or cause to be published any advertisement for the sale of a lot or unit in a subdivision located outside Ontario until the advertisement has been approved by the Registrar. 1968-69, c. 105, s. 15, *part*.

Application
of ss. 48 to
58

59. Sections 48 to 58 do not apply in respect of a sale of a lot or unit in a subdivision in which the vendor has not, within the previous five years, owned directly or indirectly five or more lots or units. 1968-69, c. 105, s. 15, *part*.

GENERAL

False
advertising

60. Where, in the opinion of the Registrar, a broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 9 to 23 apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. 1968-69, c. 105, s. 16, *part*.

Service

61.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

Idem

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing.

Exception

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. 1968-69, c. 105, s. 16, *part*.

Restraining
orders

62.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection 1. 1968-69, c. 105, s. 16, *part*.

63.—(1) Every person who, knowingly,

Offences

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporations

(3) No proceedings under this section shall be instituted except with the consent of the Minister. Consent of Minister

(4) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director. Limitation

(5) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose. 1968-69, c. 105, s. 16, *part*. Idem

64. A statement as to,Certificate
as evidence

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1968-69, c. 105, s. 16, *part*.

65. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing any class of trades in real estate or of real estate brokers or salesmen that shall be exempt from all or any of the provisions of this Act;

- (b) requiring registrants or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (c) requiring and governing the books, accounts and records that shall be kept by registered brokers and providing for the disposition of unclaimed money;
- (d) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (e) prescribing the fees payable upon applications for registration and renewal of registration and any other fees in connection with the administration of this Act and the regulations;
- (f) prescribing the fees payable upon the filing of a prospectus;
- (g) prescribing the practice and procedure upon investigations under sections 24 and 26;
- (h) prescribing forms and providing for their use;
- (i) prescribing the information required to be contained in a prospectus;
- (j) requiring registrants to make returns and furnish information to the Registrar;
- (k) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (l) prescribing the form and contents of the list of persons registered under this Act that is to be prepared by the Registrar and the date of publication thereof and governing its distribution;
- (m) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (n) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof;
- (o) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 344, s. 58; 1962-63, c. 123, s. 26; 1968-69, c. 105, s. 17.

List of
registered
persons
to be
published

66. The Registrar may, from time to time, prepare, publish and distribute a list of all persons registered under this Act. R.S.O. 1960, c. 344, s. 60.

CHAPTER 402

**The Reciprocal Enforcement of
Judgments Act****1.—(1)** In this Act,Interpre-
tation

- (a) “judgment” means a judgment or an order of a court in any civil proceedings whereby any sum of money is payable, and includes an award in proceedings on an arbitration if the award has, in pursuance of the law in force in the province or territory where it was made, become enforceable in the same manner as a judgment given by a court therein;
- (b) “judgment creditor” means the person by whom the judgment was obtained, and includes the executors, administrators, successors and assigns of that person;
- (c) “judgment debtor” means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable in the place where it was given;
- (d) “original court”, in relation to a judgment, means the court by which the judgment was given;
- (e) “registering court”, in relation to a judgment, means the court in which the judgment is registered under this Act.

(2) Subject to the rules of court, any of the powers conferred by this Act on a court may be exercised by a judge of the court. R.S.O. 1960, c. 345, s. 1.

Powers of
court, how
exercised

2.—(1) Where a judgment has been given in a court in a reciprocating state, the judgment creditor may apply to any court in Ontario having jurisdiction over the subject-matter of the judgment in the place where the debtor resides, or, notwithstanding the subject-matter, to the Supreme Court at any time within six years after the date of the judgment to have the judgment registered in that court, and on any such application the court may, subject to this Act, order the judgment to be registered. 1967, c. 85, s. 1.

Registration
of
judgment

(2) Reasonable notice of the application shall be given to the judgment debtor in all cases in which he was not personally served with process in the original action and did not appear or defend or

Notice of
application
to register

otherwise submit to the jurisdiction of the original court, but in all cases the order may be made *ex parte*.

Registration
of judgment

(3) The judgment may be registered by filing with the registrar or clerk of the registering court an exemplification or a certified copy of the judgment, together with the order for such registration, whereupon the judgment shall be entered as a judgment of the registering court. R.S.O. 1960, c. 345, s. 2 (2, 3).

Conditions
of registra-
tion

3. No judgment shall be ordered to be registered under this Act if it is shown to the registering court that,

- (a) the original court acted without jurisdiction; or
- (b) the judgment debtor, being a person who was neither carrying on business nor ordinarily resident within the jurisdiction of the original court, did not voluntarily appear or otherwise submit during the proceedings to the jurisdiction of that court; or
- (c) the judgment debtor, being the defendant in the proceedings, was not duly served with the process of the original court and did not appear, notwithstanding that he was ordinarily resident or was carrying on business within the jurisdiction of that court or agreed to submit to the jurisdiction of that court; or
- (d) the judgment was obtained by fraud; or
- (e) an appeal is pending, or the judgment debtor is entitled and intends to appeal against the judgment; or
- (f) the judgment was in respect of a cause of action which for reasons of public policy or for some other similar reason would not have been entertained by the registering court; or
- (g) the judgment debtor would have a good defence if an action were brought on the original judgment. R.S.O. 1960, c. 345, s. 3.

Effect of
registration

4. Where a judgment is registered under this Act,

- (a) the judgment is, as from the date of the registration, of the same force and effect and, subject to this Act, proceedings may be taken thereon as if it had been a judgment originally obtained or entered up in the registering court on the date of the registration; and
- (b) the registering court has the same control and jurisdiction over the judgment as it has over judgments given by itself; and
- (c) the reasonable costs of and incidental to the registration of the judgment, including the costs of obtaining an exemplification or certified copy thereof from the origi-

nal court, and of the application for registration, are recoverable in like manner as if they were sums payable under the judgment, such costs to be first taxed by the proper officer of the registering court, and his certificate thereof endorsed on the order for registration. R.S.O. 1960, c. 345, s. 4.

5. In all cases in which registration is made upon an *ex parte* order, notice thereof shall be given to the judgment debtor within one month after the registration, and the notice shall be served in the manner provided by the practice of the registering court for service of writs of process, or of notice of proceedings, and no sale under the judgment of any property of the judgment debtor is valid if made prior to the expiration of the period fixed by section 6 or such further period as the court may order. R.S.O. 1960, c. 345, s. 5. Notice of registration on *ex parte* order

6. In all cases in which registration is made upon an *ex parte* order, the registering court may on the application of the judgment debtor set aside the registration upon such terms as the court thinks fit, and such application shall be made within one month after the judgment debtor has notice of the registration, and the applicant is entitled to have the registration set aside upon any of the grounds mentioned in section 3. R.S.O. 1960, c. 345, s. 6. Setting aside *ex parte* order

7. Subject to the approval of the Lieutenant Governor in Council, the Rules Committee may make rules of court for regulating the practice and procedure, including costs, in respect of proceedings of any kind under this Act. R.S.O. 1960, c. 345, s. 7. Power to make rules of court

8. Where the Lieutenant Governor is satisfied that reciprocal provision has been or will be made by any other province or territory of Canada for the enforcement within that province or territory of judgments obtained in any superior, county or district court of Ontario, the Lieutenant Governor may direct that this Act applies to that province or territory, and thereupon this Act applies accordingly. R.S.O. 1960, c. 345, s. 8. Application of Act

9. Nothing in this Act deprives any judgment creditor of the right to bring an action for the recovery of the amount of his judgment instead of proceeding under this Act. R.S.O. 1960, c. 345, s. 9. Effect of Act

(NOTE.—As of March 1, 1971, this Act applied to Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Saskatchewan and the Northwest Territories.)

CHAPTER 403

The Reciprocal Enforcement of Maintenance Orders Act

1. In this Act,Interpre-
tation

- (a) “certified copy”, in relation to an order of a court, means a copy of the order certified by the proper officer of the court to be a true copy;
- (b) “court” means an authority having statutory jurisdiction to make maintenance orders;
- (c) “maintenance order” means an order or certificate of a court for the periodical payment of money as alimony or as maintenance;
- (d) “Minister” means the Minister of Justice and Attorney General;
- (e) “reciprocating state” means a state declared under section 15 to be reciprocating state. R.S.O. 1960, c. 346, s. 1; 1970, c. 1, s. 1, *amended*.

2.—(1) Where a maintenance order has been made against a person by a court in a reciprocating state and a certified copy of the order has been transmitted by the proper officer of the reciprocating state to the Minister, the Minister shall send a certified copy of the order for registration to the proper officer of such court in Ontario as is determined by the Minister, and on receipt thereof the order shall be registered. R.S.O. 1960, c. 346, s. 2 (1, 2); 1961-62, c. 123, s. 1, *amended*.

Registration
in Ontario of
orders made
elsewhere

(2) An order registered under subsection 1 has from the date of its registration the same force and effect and, subject to this Act, all proceedings may be taken thereon as if it had been an order originally obtained in the court in which it was so registered and that court has power to enforce the order and its officers shall take all proper steps so to do.

Effect of
registration

(3) A copy of an order registered in the Supreme Court under subsection 1 may be filed in the provincial court (family division) having jurisdiction where the person ordered to pay the alimony or maintenance resides and, when so filed, it shall be enforced in the same manner as an order made in that court under *The Deserted Wives' and Children's Maintenance Act*.

Filing of
orders in
provincial
court
(family
division)R.S.O. 1970,
c. 128

Conversion
to
Canadian
currency

(4) A maintenance order that makes payable sums of money expressed in a currency other than the currency of Canada shall not be registered under subsection 1 until the court in which it is sought to be registered, or, where that court is the Supreme Court, the registrar of that court, has determined the equivalent of the sums so payable in the currency of Canada on the basis of the rate of exchange prevailing on the date on which the order was made as ascertained from any branch of any chartered bank, and the court or the registrar, as the case may be, shall certify on the order the sums so determined expressed in the currency of Canada, and the order when registered shall be deemed to be an order for the payment of the sums so certified. R.S.O. 1960, c. 346, s. 2 (3-5).

Transmis-
sion of
orders
made in
Ontario

3. Where a court in Ontario has made a maintenance order and it is proved to the court in Ontario that the person against whom the order was made is resident in a reciprocating state, the court in Ontario shall, on the request of the person in whose favour the order was made, send a certified copy of the order to the Minister for transmission to the proper officer of the reciprocating state. R.S.O. 1960, c. 346, s. 3, *amended*.

Provisional
order
against
person
residing
outside
Ontario

4.—(1) Where an application is made to a court in Ontario for a maintenance order and it is proved to the court in Ontario that the person against whom the order was made is resident in a reciprocating state, the court in Ontario may, in the absence of that person and without service of notice on him, if after hearing the evidence it is satisfied of the justice of the application, make any maintenance order that it might have made if a summons had been duly served on that person and he had failed to appear at the hearing, but an order so made is provisional only and has no effect until it is confirmed by a court in the reciprocating state.

Depositions
and
transcripts

(2) Where the evidence of a witness who is examined on an application mentioned in subsection 1 is not taken in shorthand, the evidence shall be put into the form of a deposition and the deposition shall be read over and signed by the witness and the person presiding at the hearing.

Preparation
of state-
ments and
transmission
of
documents to
Minister

(3) Where a provisional order has been made under subsection 1,

(a) the court shall prepare,

(i) a statement showing the grounds on which the making of the order might have been opposed if the person against whom the order was made had been duly served with a summons and had appeared at the hearing, and

(ii) a statement showing the information that the court possesses for facilitating the identification of the person against whom the order was made and ascertaining his whereabouts; and

- (b) the court shall send to the Minister for transmission to the proper officer of the reciprocating state,
 - (i) a certified copy of the order,
 - (ii) the depositions or a certified copy of the transcript of the evidence, and
 - (iii) the statements referred to in clause *a*.

(4) Where a provisional order made under this section has come before a court in a reciprocating state for confirmation and the order has by that court been remitted to the court in Ontario that made the order for the purpose of taking further evidence, the court in Ontario shall, after giving the notice prescribed by the rules, proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

Power to take new evidence on renvoy

(5) Where upon the hearing of the evidence taken under subsection 4 it appears to the court in Ontario that the order ought not to have been made, the court in Ontario may rescind the order, but in any other case the depositions or a certified copy of the transcript of the evidence shall be sent to the Minister and dealt with in like manner as the depositions or transcript of the original evidence.

Further powers on renvoy

(6) The confirmation of a provisional order made under this section does not affect any power of the court in Ontario that originally made the order to vary or rescind the order, but an order varying an original order has no effect until it is confirmed in like manner as the original order.

Power of original court to vary or rescind

(7) Where, after a provisional order made under this section is confirmed, the court in Ontario that originally made the order makes a varying or rescinding order, that court shall send a certified copy thereof, together with the depositions or a certified copy of the transcript of any new evidence adduced before the court, to the Minister for transmission to the proper officer of the reciprocating state in which the original order was confirmed.

Transmission of varying or rescinding order

(8) An applicant for a provisional order under this section has the same right of appeal, if any, against a refusal to make the order as he would have had against a refusal to make a maintenance order if a summons had been duly served on the person against whom the order is sought to be made. R.S.O. 1960, c. 346, s. 4, *amended*.

Right of appeal

5.—(1) Where,

- (a) a maintenance order has been made by a court in a reciprocating state and the order is provisional only and has no effect until confirmed by a court in Ontario; and
- (b) a certified copy of the order, together with the depositions of witnesses and a statement of the grounds on

Confirmation of orders made outside Ontario

which the order might have been opposed if the person against whom the order was made had been a party to the proceedings, is received by the Minister; and

- (c) it appears to the Minister that the person against whom the order was made is resident in Ontario,

the Minister may send the documents to the proper officer of such court in Ontario as is determined by the Minister, and upon receipt of the documents the court shall issue a summons calling upon the person against whom the order was made to show cause why the order should not be confirmed, and cause it to be served upon such person. R.S.O. 1960, c. 346, s. 5 (1); 1961-62, c. 123, s. 2, *amended*.

Right of
defence on
application
for
confirmation

(2) At a hearing under this section, the person on whom the summons was served may raise any defence that he might have raised in the original proceedings if he had been a party thereto, but no other defence, and the statement from the court that made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings is conclusive evidence that those grounds are grounds on which objection may be taken.

Power to
confirm
with or
without
modification

(3) Where, at a hearing under this section, the person who was served with the summons does not appear or, having appeared, fails to satisfy the court in Ontario that the order ought not to be confirmed, the court in Ontario may confirm the order, either without modification or with such modifications as the court, after hearing the evidence, considers just.

Power to
remit to
court that
made
provisional
order

(4) Where the person against whom a summons was issued under this section appears at the hearing and satisfies the court in Ontario that, for the purpose of any defence, it is necessary to remit the case to the court in the reciprocating state that made the provisional order for the taking of further evidence, the court in Ontario may so remit the case and adjourn the proceedings for the purpose.

Variation or
rescission
of order
that has
been
confirmed

(5) Where a provisional order has been confirmed under this section, it may be varied or rescinded in like manner as if it had originally been made by the court in Ontario that confirmed it and, where on an application for variation or rescission the court in Ontario is satisfied that it is necessary to remit the case to the court in the reciprocating state that made the order for the purpose of taking further evidence, the court in Ontario may so remit the case and adjourn the proceedings for the purpose.

Right of
appeal

(6) Where an order has been confirmed under this section, the person bound thereby has the same right of appeal, if any, against the confirmation of the order as he would have had against the making of the order if the order had been made by the court in Ontario that confirmed the order.

(7) An order confirmed under this section has from the date of its confirmation the same force and effect and, subject to this Act, all proceedings may be taken thereon as if it had been an order originally obtained in the court in Ontario in which it was so confirmed and that court has power to enforce the order and its officers shall take all proper steps so to do.

Effect of
confirmation

(8) Where a provisional order sought to be confirmed under this section makes payable sums of money expressed in a currency other than the currency of Canada, the confirming court, or, where that court is the Supreme Court, the registrar of that court, shall determine the equivalent of the sums so payable in the currency of Canada on the basis of the rate of exchange prevailing on the date on which the provisional order was made as ascertained from any branch of any chartered bank, and the confirming court or the registrar, as the case may be, shall certify on the order when confirmed the sums so determined expressed in the currency of Canada, and the order when confirmed shall be deemed to be an order for the payment of the sums so certified. R.S.O. 1960, c. 346, s. 5 (2-8).

Conversion
to Canadian
currency

(9) Where a court in Ontario to which a provisional order made by a court in a reciprocating state has been sent for confirmation refuses to confirm it, or, after confirming it, varies or rescinds it, the person in whose favour it was made has the same right of appeal, if any, against the refusal, variation or rescission as that person would have had if the original application had been made in the same court in Ontario and it had been dismissed. 1964, c. 100, s. 1.

Right of
appeal
where
provisional
order not
confirmed

6. Where an order or judgment made by a court in a reciprocating state includes provision for maintenance in the determination of any other question, the court in Ontario may, in its discretion,

Where
maintenance
ancillary
to larger
question

- (a) deem the provision for maintenance to be severed from any other question determined by the order or judgment; and
- (b) deem the provision for maintenance to be a provisional order for maintenance and deal with the order under section 5. 1967, c. 86, s. 1.

7. Where under this Act a document is sent to the Minister for transmission to the proper officer of a reciprocating state, the Minister shall transmit the document accordingly. R.S.O. 1960, c. 346, s. 6, *amended*.

Transmission
of document
by Minister
to reci-
procating
state

8. The determination of a court by the Minister does not prevent him from determining another court with respect to the same order. R.S.O. 1960, c. 346, s. 7, *amended*.

Determina-
tion of
court by
Minister

Forms,
rules of
practice

9. The Lieutenant Governor in Council may prescribe forms and make rules prescribing the practice and procedure, including costs, under this Act. R.S.O. 1960, c. 346, s. 8.

Proof of
documents
signed by
officer
of court

10. A document purporting to be signed by a judge or officer of a court in a reciprocating state shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or judicial or official character of the person appearing to have signed it, and the officer of a court by whom a document is signed shall, until the contrary is proved, be deemed to have been the proper officer of the court to sign the document. R.S.O. 1960, c. 346, s. 9.

Depositions,
etc., to be
evidence

11. Depositions or transcripts of evidence taken in a court in a reciprocating state for the purposes of this Act may be received in evidence in the courts in Ontario. R.S.O. 1960, c. 346, s. 10.

Language

12. Where a maintenance order sought to be registered in a court in Ontario or a provisional order sought to be confirmed by a court in Ontario under this Act or any accompanying document is in a language other than the English language, the certified copy of the maintenance order or the provisional order, as the case may be, and any accompanying document shall have attached a translation in the English language certified as being a true translation by the court in the reciprocating state that made the order, in which case the order and any accompanying document shall be deemed to be in the English language. R.S.O. 1960, c. 346, s. 11.

Terminology

13. Where a maintenance order sought to be registered in a court in Ontario or a provisional order sought to be confirmed by a court in Ontario under this Act or any accompanying document uses terminology different from the terminology used in Ontario, the difference shall not vitiate any proceedings under this Act. R.S.O. 1960, c. 346, s. 12.

Saving

14. Nothing in this Act deprives a person of the right to obtain a maintenance order instead of proceeding under this Act. R.S.O. 1960, c. 346, s. 13.

Designation
of recipro-
cating states

15. Where the Lieutenant Governor in Council is satisfied that reciprocal provisions will be made by a state in or outside Canada for the enforcement in that state of maintenance orders made in Ontario, the Lieutenant Governor in Council may by order declare that state to be a reciprocating state for the purposes of this Act. R.S.O. 1960, c. 346, s. 14.

NOTE.—As of March 1, 1971, the following are declared to be reciprocating states for the purposes of this Act:

1. The following Provinces and Territories of Canada:
 - i. Alberta
 - ii. British Columbia
 - iii. Manitoba
 - iv. New Brunswick
 - v. Newfoundland
 - vi. Northwest Territories
 - vii. Nova Scotia
 - viii. Prince Edward Island
 - ix. Quebec
 - x. Saskatchewan
 - xi. Yukon
 2. The following States of the United States of America:
 - i. Michigan
 - ii. New York
 3. The following States and Territories of Australia:
 - i. Capital Territory of Australia
 - ii. New South Wales
 - iii. Northern Territory of Australia
 - iv. Queensland
 - v. South Australia
 - vi. Tasmania
 - vii. Victoria
 - viii. Western Australia
 4. England
 5. Guernsey, Alderney and Sark
 6. Isle of Man
 7. Malta and its Dependencies
 8. New Zealand and the Cook Islands
 9. Northern Ireland
 10. Papua and New Guinea
 11. Southern Rhodesia
 12. States of Jersey
 13. Union of South Africa
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CHAPTER 404

The Regional Development Councils Act

1. In this Act,

- (a) “council” means a corporation named in, or designated under, section 2 as a regional development council;
- (b) “Minister” means the Treasurer of Ontario and Minister of Economics. 1966, c. 135, s. 1, *amended*.

Interpre-
tation

2.—(1) The following corporations are regional development councils for the purposes of this Act:

Regional
develop-
ment
councils

Eastern Ontario Regional Development Council.
Lake Ontario Regional Development Council.
Georgian Bay Regional Development Council.
Northeastern Ontario Regional Development Council.
Northwestern Ontario Regional Development Council.
Lake Erie Regional Development Council.
St. Clair Regional Development Council.
Niagara Regional Development Council.
Midwestern Ontario Regional Development
Council. 1966, c. 135, s. 2 (1), *amended*.

(2) The Lieutenant Governor in Council may from time to time designate any other corporation as a regional development council for the purposes of this Act. 1966, c. 135, s. 2 (2).

Idem

3. The objects of each council are to undertake such informational, educational and promotional programs and activities as relate to the orderly growth and economic development of the region in which it has jurisdiction. 1966, c. 135, s. 3.

Objects

4. The Minister shall designate the region in which each council shall have jurisdiction. 1966, c. 135, s. 4.

Regions

5.—(1) A council may receive funds from any source, including municipal and provincial governments, and expend such funds for the objects of the council.

Funds of
council

(2) Any municipality may make an annual grant to a council to assist the council in carrying out its objects.

Municipal
grants

Provincial
grants

(3) The Minister may make an annual grant to a council, out of the moneys appropriated therefor by the Legislature, to assist the council in carrying out its objects. 1966, c. 135, s. 5.

Application
of R.S.O. 1970,
c. 324

6. Each council shall be deemed to be a local board for the purposes of *The Ontario Municipal Employees Retirement System Act*. 1966, c. 135, s. 6.

Council
deemed
association
under
R.S.O. 1970,
c. 284

7. Each council shall be deemed to be a Regional Development Association for the purposes of paragraph 15 of section 352 of *The Municipal Act*. 1966, c. 135, s. 7.

CHAPTER 405

The Regional Municipal Grants Act

INTERPRETATION

1. In this Act,

- (a) “acres in the area municipality” means the area in acres of the municipality, excluding land covered by water, as certified by the Assessment Commissioner or Assessor;
- (b) “area municipality” means an area municipality as defined by *The Regional Municipality of Niagara Act*, *The Regional Municipality of Ottawa-Carleton Act*, and *The Municipality of Metropolitan Toronto Act*;
- (c) “density” means the total number of residential properties in an area municipality divided by the acres in the area municipality correct to two places of decimals;
- (d) “Department” means the Department of Municipal Affairs;
- (e) “Minister” means the Minister of Municipal Affairs;
- (f) “population of a regional municipality” means the aggregate of the populations, determined or redetermined in accordance with section 4, of the area municipalities within such regional municipality;
- (g) “regional municipality” means The Regional Municipality of Niagara, The Regional Municipality of Ottawa-Carleton and The Municipality of Metropolitan Toronto;
- (h) “residential property” means land separately assessed under paragraph 2 of subsection 2 of section 17 of *The Assessment Act* upon which there is a building used or intended to be used as a residence.

Interpre-
tation

R.S.O. 1970,
cc. 406, 407,
295

R.S.O. 1970,
c. 32

CALCULATION OF THE GRANT

2. In each year there shall be paid out of the moneys appropriated therefor by the Legislature to each regional municipality a per capita payment or payments in accordance with the population of the area municipalities within the regional municipality under this Act as follows:

Per capita
grants

- 1. \$7.00 per capita.

2. 50 cents per capita to represent a share of fines, except those levied under municipal by-laws.
3. An amount per capita in accordance with the Schedule based on the density of each area municipality.
4. \$1.50 per capita where a regional municipality is deemed to be a city for the purpose of *The Police Act*. 1970, c. 15, s. 2.

R.S.O. 1970,
c. 351

Credit to
area muni-
cipalities

3.—(1) In each year the regional municipality shall credit each area municipality with an amount calculated by multiplying the population of the area municipality as determined under section 4 by the sum of,

- (a) \$7.50;
- (b) the amount as determined under paragraph 3 of section 2; and
- (c) \$1.50 where a regional municipality is deemed to be a city for the purposes of *The Police Act*.

Idem

(2) Notwithstanding subsection 1, where in the opinion of the Department the population of an area municipality as determined under section 4 has increased by an amount equal to 7 per cent of the population as so determined, the Department shall redetermine the population of that area municipality for the purposes of this section, and the amount to be credited to each area municipality, other than the amount determined under paragraph 3 of section 2, shall be an amount that bears the same proportion to the total amount paid to the regional municipality under paragraphs 1, 2 and 4 of section 2 as the population of the area municipality as so determined or redetermined bears to the total of the populations of the area municipalities as so determined or redetermined. 1970, c. 15, s. 3, *amended*.

Determina-
tion of
population
R.S.O. 1970,
c. 293

Idem

4.—(1) The population of the area municipalities for the purposes of this Act shall be determined in accordance with *The Municipal Unconditional Grants Act*.

(2) Notwithstanding subsection 1, for the purposes of the payments in the years 1970 and 1971 the population of each area municipality within The Regional Municipality of Ottawa-Carleton and The Municipality of Metropolitan Toronto shall be determined by the Department and shall equal in total the populations as determined for the purposes of the payment in 1969 under section 7 of *The Municipal Unconditional Grants Act* to such municipalities.

Idem

(3) Notwithstanding subsection 1, for the purposes of the payments in the years 1970 and 1971, the population of each area municipality in The Regional Municipality of Niagara shall be determined in such manner as the Department considers proper.

(4) Notwithstanding subsections 2 and 3, the Department may redetermine the population of the area municipalities within a regional municipality whenever in its opinion the population of the regional municipality has increased by 7 per cent of the population of the regional municipality as determined for the purposes of the payments in 1970 under this Act. 1970, c. 15, s. 4.

Redeter-
mination of
population

5. No payments shall be made to a regional municipality or to an area municipality under section 7 of *The Municipal Unconditional Grants Act*.

No payments
under
R.S.O. 1970,
c. 293, s. 7

LEVIES

6. In this Part,

Interpre-
tation

- (a) “commercial assessment” means the total of,
- (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan or regional corporation or local board thereof,
 - (ii) the business assessment, and
 - (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies,
- according to the last revised assessment roll;
- (b) “net regional levy” means the amount required for metropolitan and regional purposes including the sums required by law to be provided for any board, commission or other body but excluding school purposes, apportioned to each area municipality by,
- (i) the Metropolitan Council under section 214 of *The Municipality of Metropolitan Toronto Act*,
 - (ii) the Regional Council under section 92 of *The Regional Municipality of Ottawa-Carleton Act*, or
 - (iii) the Regional Council under section 119 of *The Regional Municipality of Niagara Act*,
- reduced by the amount credited to each area municipality under section 3;
- (c) “residential and farm assessment” means the total assessment for real property according to the last

R.S.O. 1970,
c. 295

R.S.O. 1970,
c. 407

R.S.O. 1970,
c. 406

revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a. 1970, c. 15, s. 6.

Levy by
area muni-
cipality

R.S.O. 1970,
c. 284

7.—(1) The council of each area municipality shall levy, in the manner provided by this section, the sums adopted for all purposes, excluding school purposes, in accordance with section 307 of *The Municipal Act*, together with a sum equal to the sums required by law to be provided by the council to meet the net regional levy.

Determin-
ation of
rates

(2) Notwithstanding section 304 of *The Municipal Act*, the rates to be levied in each year in an area municipality shall be determined in the following manner:

1. Add 85 per cent of the residential and farm assessment to the commercial assessment.
2. Multiply the aggregate of the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, by 1000 and divide the product by the total determined under paragraph 1.
3. The rate to be levied on commercial assessment shall be the rate determined under paragraph 2.
4. The rate to be levied on residential and farm assessment shall be 85 per cent of the rate determined under paragraph 2. 1970, c. 15, s. 7.

Interpre-
tation

R.S.O. 1970,
c. 406

8.—(1) In this section,

- (a) “area municipality” means area municipality as defined in clause a of section 1 of *The Regional Municipality of Niagara Act*;
- (b) “merged area” means merged area as defined in clause j of section 1 of *The Regional Municipality of Niagara Act*;
- (c) “rateable property” means rateable property as defined in section 116 of *The Regional Municipality of Niagara Act*.

Apportion-
ment among
merged
areas

(2) Notwithstanding section 7, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Department in accordance with subsection 1 of section 120 of *The Regional Municipality of Niagara Act*.

(3) The rates to be levied in each merged area shall be determined in accordance with paragraphs 1 to 4 of subsection 2 of section 7. 1970, c. 15, s. 8. Determination of rates

SCHEDULE

DENSITY	AMOUNT PER CAPITA
0.15 and under	\$5.00
Over 0.15 to 0.30	4.00
Over 0.30 to 0.45	3.00
Over 0.45 to 0.60	2.00
Over 0.60 to 0.75	1.00
Over 0.75	Nil

1970, c. 15, Schedule.

CHAPTER 406

The Regional Municipality of Niagara
Act

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the Town of Lincoln, the Town of Fort Erie, the Town of Grimsby, the City of Niagara Falls, the Town of Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the Town of Thorold, the Township of Wainfleet, The City of Welland and the Township of West Lincoln, all as constituted or continued by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “Department” means the Department of Municipal Affairs;
- (f) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (g) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (h) “land” includes lands, tenements, and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (i) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any

of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

- (j) “merged area” means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed or the Township of Wainfleet;
- (k) “Minister” means the Minister of Municipal Affairs;
- (l) “money by-law” means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 130;
- (m) “Municipal Board” means the Ontario Municipal Board;
- (n) “Regional Area”,
 - (i) until the 1st day of January, 1970, means the area included within the counties of Lincoln and Welland, and
 - (ii) on and after the 1st day of January, 1970, means the area from time to time included within the area municipalities;
- (o) “Regional Corporation” means The Regional Municipality of Niagara;
- (p) “Regional Council” means the council of the Regional Corporation;
- (q) “regional road” means a road forming part of the regional road system established under Part V;
- (r) “roadway” means that part of the highway designed or intended for use by vehicular traffic. 1968-69, c. 106, s. 1; 1968-69, c. 107, s. 1. O. Reg. 404/69.

PART I

AREA MUNICIPALITIES

Constitution of area municipalities

2.—(1) On the 1st day of January, 1970,

- (a) The Corporation of the Town of Beamsville and The Corporation of the Township of Clinton are amalgamated as a town municipality bearing the name of The Corporation of the Town of Lincoln and the portion of the Township of Louth, described as follows, is annexed to such town:

Note—Name of Town of Lincoln see s. 2 (4) and O. Reg. 404/69.

COMMENCING at a point in the southern boundary of the Township of Louth, where it is intersected by the southerly production of the line between lots 7 and 8 in Concession VIII of the said Township;

THENCE northerly to and along the line between lots 7 and 8 in concessions VIII, VII, VI and V respectively, to the middle of the main channel of the Fifteen Mile Creek, south of the King's Highway No. 8;

THENCE in a general northerly direction following the middle of the main channel of the Fifteen Mile Creek to its mouth at Lake Ontario;

THENCE northerly on the same course as the westerly boundary of the present Township of Louth, to the north boundary of the said Township as defined by subsection 2 of section 6 of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE westerly along the north boundary of the Township of Louth as defined by subsection 2 of section 6 of *The Territorial Division Act*, to the northerly prolongation of the west boundary of the Township of Louth;

THENCE southerly along the last-mentioned prolongation being along the boundary between the Townships of Clinton and Louth, in accordance with the provisions of *The Territorial Division Act*, to the southerly high water mark of Lake Ontario;

THENCE southerly along the boundary between the present townships of Clinton and Louth to the south-west angle of the said Township of Louth;

THENCE easterly along the south boundary of the said Township of Louth being along the boundary between the townships of Louth and Pelham to the point of commencement;

- (b) The Corporation of the Town of Fort Erie, The Corporation of the Township of Bertie and The Corporation of the Village of Crystal Beach are amalgamated as a town municipality bearing the name of The Corporation of the Town of Fort Erie and the portion of the Township

of Willoughby, described as follows, is annexed to such town:

COMMENCING at the southwest corner of Lot 30, Adjoining Cross Concession, of the Township of Willoughby;

THENCE northerly along the west limit of said Lot 30 and across the road allowance between the Cross and Adjoining Cross Concessions to the southwest corner of Lot 15, Cross Concession, of the Township of Willoughby;

THENCE easterly along the north limit of the last-mentioned road allowance to the southeast corner of Lot 20 in the Broken Front Concession, southeast angle, of said Township of Willoughby;

THENCE northerly along the easterly limit of Lot 20 and its prolongation northerly to the centre line of the road allowance between lots 2 and 3 in the Broken Front Concession, Niagara River of the Township of Willoughby;

THENCE easterly along the last-mentioned centre of road allowance and its prolongation to the International Boundary between Canada and the United States of America in the Niagara River;

THENCE southeasterly along the said International Boundary through the said Niagara River, to the easterly prolongation of the southern boundary of the said Township of Willoughby;

THENCE westerly along the last-mentioned prolongation and along the southerly boundary of the Township of Willoughby to the place of beginning.

- (c) The Corporation of the Town of Grimsby and The Corporation of the Township of North Grimsby are amalgamated as a town municipality bearing the name of The Corporation of the Town of Grimsby;
- (d) The Corporation of the City of Niagara Falls and The Corporation of the Village of Chippawa are amalgamated as a city municipality bearing the name of The Corporation of the City of Niagara Falls and the portions of the townships of Crowland, Humberstone and Willoughby, described as follows, are annexed to such city:

FIRSTLY, part of the Township of Crowland, commencing at the northeast angle of the Township of Crowland

being at a point in the middle of the main channel of the Welland River;

THENCE westerly along the middle of the main channel of the Welland River being along the boundary between the Township of Crowland and the City of Niagara Falls, to the northerly prolongation of the line between lots 9 and 10 in the Broken Front Concession of the said Township of Crowland;

THENCE southerly to and along the line between lots 9 and 10 in the Broken Front Concession and between lots 9 and 10 in concessions I to VII both inclusive, and between lots 9 and 10 in the Gore and its extension southerly, to the southern boundary of the Township of Crowland;

THENCE easterly along the southern boundary of the said Township being along the boundary between the townships of Crowland and Humberstone, to the southeast angle of the said Township of Crowland;

THENCE northerly along the eastern boundary of the Township of Crowland being along the boundary between the townships of Crowland and Willoughby, to the point of commencement;

SECONDLY, part of the Township of Humberstone, commencing at the southeast angle of the Township of Crowland;

THENCE westerly along the boundary between the townships of Humberstone and Crowland, to the southerly prolongation of the line between lots 9 and 10 in the Gore of the said Township of Crowland;

THENCE southerly to the northeast corner of Lot 10, Concession 5, in the Township of Humberstone;

THENCE southerly along the easterly limit of said Lot 10, 1,000 feet;

THENCE easterly parallel with the south limit of the road allowance between the said townships of Humberstone and Crowland and its production easterly, to the easterly boundary of the Township of Humberstone;

THENCE northerly along the boundary between the townships of Humberstone and Bertie, to the northeast angle of the Township of Humberstone;

THENCE westerly along the north boundary of the said Township of Humberstone to the point of commencement;

THIRDLY, part of the Township of Willoughby, commencing at the northwesterly angle of the Township of Willoughby being at a point in the middle of the main channel of the Welland River;

THENCE southerly along the west boundary of the Township of Willoughby being along the boundary between the townships of Willoughby and Crowland, to the southwestern angle of Lot 15, in the Cross Concession of the Township of Willoughby;

THENCE easterly along the north limit of the road allowance between the Cross and Adjoining Cross Concessions to the southeast angle of Lot 20 in the Broken Front Concession, southeast angle, of the said Township of Willoughby;

THENCE northerly along the east limit of the said Lot 20 and its prolongation northerly to the centre line of the road allowance between lots 2 and 3 in the Broken Front Concession, Niagara River, of the said Township of Willoughby;

THENCE easterly along the last-mentioned centre of road allowance and its prolongation, to the International Boundary between Canada and the United States of America in the Niagara River;

THENCE in a general northerly direction along the said International Boundary to the easterly prolongation of a straight line joining the middle of the main channel of the Welland River at the west limit of the Township of Willoughby, with the middle of the said river where it enters the Niagara River;

THENCE westerly along the last-mentioned prolongation to the east limit of the Village of Chippawa;

THENCE southeasterly, southwesterly, westerly and northerly along the boundaries of the said village, to the middle of the main channel of the Welland River;

THENCE westerly following the middle of the main channel of the Welland River being along the north boundary of the Township of Willoughby to the point of commencement;

- (e) The Corporation of the Town of Niagara and The Corporation of the Township of Niagara are amalgamated as a town municipality bearing the name of The Corporation of the Town of Niagara-on-the-Lake;
- (f) The Corporation of the Township of Pelham and The Corporation of the Village of Fonhill are amalgamated as a town municipality bearing the name of The Corporation of the Town of Pelham and the portion of the Township of Thorold, described as follows, is annexed to such town:

COMMENCING at a point in the westerly boundary of the Township of Thorold where it is intersected by the southerly limit of the right-of-way of The Hydro-Electric Power Commission of Ontario, crossing Lot 163 of the Township of Thorold;

THENCE southeasterly and easterly along the southerly limit of the said right-of-way, across lots 163, 162, and 161 of the Township of Thorold to the southerly limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway as shown on Deposit Plan No. 9;

THENCE easterly following the south limit of the last-mentioned right-of-way to a point in Lot 160 distant 660 feet measured easterly at right angles from the eastern limit of Rice Road in the said Township of Thorold;

THENCE southerly parallel with the eastern limit of Rice Road, to a point in a line midway between Merritt Road and Quaker Road, the said point being in the line between the north and south halves of Lot 174 in the said Township of Thorold;

THENCE westerly along the said midway line and its prolongation, to a point in the western limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE southerly along the westerly limit of the said right-of-way to the northern limit of the City of Welland;

THENCE westerly along the northern limit of the City of Welland, to the east boundary of the Township of Pelham;

THENCE northerly along the east boundary of the Township of Pelham, being along the boundary between the

townships of Pelham and Thorold, to the south boundary of the Village of Fonthill;

THENCE following the boundaries of the said Village, easterly, northerly and westerly to the west boundary of the Township of Thorold;

THENCE northerly along the western boundary of the Township of Thorold to the point of commencement;

- (g) The portion of the Township of Humberstone, described as follows, is annexed to the City of Port Colborne:

COMMENCING at a point in the northern high water mark of Lake Erie where it is intersected by the easterly boundary of the said Township of Humberstone;

THENCE northerly along the said easterly boundary being along the boundary between the townships of Humberstone and Bertie, to a point distant 1,000 feet measured southerly thereon from the easterly production of the south limit of the allowance for road between the townships of Crowland and Humberstone;

THENCE westerly parallel to the south limit of the last-mentioned allowance for road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175' west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175' west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100' east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank, always 100' east of the centre line of the present ship canal to a point distant 1,000' measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road;

THENCE westerly parallel with the last-mentioned limit of road allowance to the western boundary of the Township of Humberstone;

THENCE southerly along the west boundary of the said Township of Humberstone being along the boundary

between the townships of Humberstone and Wainfleet to the northwestern angle of the City of Port Colborne;

THENCE following along the northern, eastern and southern boundaries of the said City of Port Colborne, to the boundary between the townships of Humberstone and Wainfleet;

THENCE southerly along the prolongation of the boundary between the said townships to the International Boundary between Canada and the United States of America;

THENCE northeasterly along the said International Boundary, to the southerly prolongation of the eastern boundary of the said Township of Humberstone;

THENCE northerly along the last-mentioned prolongation, to the point of commencement;

- (h) The portion of the Township of Louth, described as follows, is annexed to the City of St. Catharines:

COMMENCING at a point in the south boundary of the Township of Louth where it is intersected by the southerly prolongation of the line between lots 7 and 8 in Concession VIII;

THENCE northerly to and along the line between lots 7 and 8 across concessions VIII, VII, VI and V, to the middle of the main channel of the Fifteen Mile Creek south of the King's Highway Number 8;

THENCE northerly along the middle of the main channel of the Fifteen Mile Creek to its outlet into Lake Ontario;

THENCE northerly on the same course as the westerly boundary of the Township of Louth, to the north boundary of the said Township being to a line in Lake Ontario as defined by subsection 2 of section 6 of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE easterly along the last-mentioned line, to the northerly prolongation of the easterly boundary of the Township of Louth;

THENCE southerly along the last-mentioned prolongation, being along the boundary between the Township of Louth and the City of St. Catharines, to the southerly high water mark of Lake Ontario;

THENCE southerly, easterly and southerly continuing along the boundary between the Township of Louth and the City of St. Catharines, to the southeast angle of the said Township of Louth;

THENCE westerly along the south boundary of the Township of Louth being along the boundary between the Township of Louth and the Township of Thorold and between the Township of Louth and the Township of Pelham, to the point of commencement;

- (i) The portions of the townships of Crowland and Thorold, described as follows, are annexed to the Town of Thorold:

FIRSTLY, that part of the Township of Crowland lying between the middle of the main channel of the Welland River diversion to be constructed and the middle of the existing main channel of the present course of the Welland River (the constructed diversion to be defined in detail after completion), lying all in lots 16, 17, and 18 of the Broken Front Concession in the Township of Crowland;

SECONDLY, part of the Township of Thorold, commencing at the northwest angle of the original Township of Thorold;

THENCE southerly along the western boundary of the said Township to the southerly limit of the right-of-way of The Hydro-Electric Power Commission of Ontario crossing Lot 163 of the said Township;

THENCE southeasterly and easterly along the southerly limit of the said right-of-way, across lots 163, 162, and 161 of the Township of Thorold to the southerly limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway as shown on Deposit Plan No. 9;

THENCE easterly following the south limit of the last-mentioned railway right-of-way to a point in Lot 160 distant 660 feet measured easterly at right angles from the east limit of Rice Road;

THENCE southerly parallel to the said Rice Road to a point in the line between the north and south halves of Lot 174 of the said township being to the line midway between Merritt Road and Quaker Road;

THENCE easterly along the said midway line being along the line between the north and south halves of lots 174,

228, 227, 226, 225, 224, 223 and 222 and its production through Lot 215, Broken Front Concession, to the middle of the diverted course of the Welland River to be constructed;

THENCE northeasterly and easterly along the middle of the main channel of the said river, to the southeast angle of the said Township of Thorold;

THENCE northerly, westerly and northerly along the boundary between the said Township of Thorold and the City of Niagara Falls to the south boundary of the Town of Thorold;

THENCE following the southerly and westerly boundaries of the said Town of Thorold, to the northwest angle of the said Town being on the northern boundary of the Township of Thorold;

THENCE westerly along the northern boundary of the said Township, westerly, northerly and westerly, to the point of commencement;

- (j) The Corporation of the Township of Wainfleet is continued;
- (k) The portions of the townships of Crowland, Humberstone and Thorold, described as follows, are annexed to the City of Welland:

FIRSTLY, part of the Township of Crowland, commencing at a point in the north boundary of the City of Welland where it is intersected by the middle of the present main channel of the Welland River;

THENCE northeasterly and easterly along the middle of the present main channel of the Welland River, along the middle of the main channel of the diverted course of the said river to be constructed, and along the middle of the main channel of the Welland River to the northerly prolongation of the line between lots 9 and 10 in the Broken Front Concession of the said Township of Crowland;

THENCE southerly to and along the line between lots 9 and 10 in the Broken Front Concession, along the line between lots 9 and 10 in concessions I to VII, both inclusive, and along the line between lots 9 and 10 in the Gore of the said Township and its prolongation to the south boundary of the Township of Crowland;

THENCE westerly along the south boundary of the said Township of Crowland, being along the boundary between the townships of Crowland and Humberstone to the east boundary of the City of Welland;

THENCE northerly, westerly, northerly, westerly and northerly along the boundary between the Township of Crowland and the City of Welland, to the point of commencement;

SECONDLY, part of the Township of Humberstone, commencing at a point in the east boundary of the City of Welland where it is intersected by the boundary between the townships of Humberstone and Crowland;

THENCE easterly along the last-mentioned boundary to the southerly prolongation of the line between lots 9 and 10 in the Gore of the Township of Crowland;

THENCE southerly to the northeast corner of Lot 10, Concession 5, in the Township of Humberstone;

THENCE southerly along the easterly limit of said Lot 10, 1,000 feet.

THENCE westerly along a line parallel to the south limit of the road allowance between the said townships of Humberstone and Crowland known as Netherby Road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175' west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175' west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100' east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank always 100' east of the centre line of the present ship canal to a point distant 1,000' measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road;

THENCE westerly parallel with the last-mentioned limit of the road allowance to the western limit of the said Township of Humberstone;

THENCE northerly along the west boundary of the said Township of Humberstone being along the line between the townships of Humberstone and Wainfleet, to the southern boundary of the present City of Welland;

THENCE easterly following the boundaries of the present City of Welland to the point of commencement;

THIRDLY, part of the Township of Thorold, commencing at a point in the north boundary of the City of Welland where it is intersected by the western limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE northerly along the western limit of the said railway to the line between the north and south halves of Lot 176 of the Township of Thorold, being to the line midway between Merritt Road and Quaker Road;

THENCE easterly along the said midway line being along the line between the north and south halves of lots 176, 175, 174, 228, 227, 226, 225, 224, 223 and 222 and its production through Lot 215, Broken Front Concession to the middle of the main channel of the Welland River;

THENCE southwesterly along the said middle of channel being along the southeast boundary of the Township of Thorold to its intersection with the north boundary of the City of Welland;

THENCE westerly along the said boundary of the City of Welland to the point of commencement;

- (1) The Corporation of the Township of Caistor, The Corporation of the Township of Gainsborough and The Corporation of the Township of South Grimsby are amalgamated as a township municipality bearing the name of The Corporation of the Township of West Lincoln. 1968-69, c. 106, s. 2 (1); O. Reg. 404/69; 1970, c. 123, s. 1.

(2) The following police villages are dissolved on the 1st day of January, 1970:

Dissolution
of police
villages

1. The Police Village of Campden.
2. The Police Village of Fenwick.
3. The Police Village of Jordan.
4. The Police Village of Jordan Station.

5. The Police Village of Queenston.
6. The Police Village of St. Davids.
7. The Police Village of Vineland. 1968-69, c. 106, s. 2 (2).

Amalgamations and annexations deemed by Municipal Board orders
R.S.O. 1970, c. 323

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 27th day of June, 1969 pursuant to applications made under sections 14 and 25 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and “municipalities” in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. 1968-69, c. 106, s. 2 (3), *amended*.

R.S.O. 1970, c. 284

Referendum re name of Town of Beamsville

(4) If directed by order of the Minister, a vote of the electors of the Town of Beamsville as established by clause *a* of subsection 1 shall be taken at the same time as the election for the first council of the Town, to determine from among the names designated by the Minister, which name the Town shall bear and, following the vote, the Minister shall by order,

- (a) confirm the name of the Town as set out in clause *a* of subsection 1; or
- (b) declare the name that the Town shall bear,

and where a declaration is made under clause *b*, all references to the Town shall be deemed to refer to the Town as designated in the declaration. 1968-69, c. 106, s. 2 (4).

Composition of councils

3.—(1) On and after the 1st day of January, 1970, the council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and aldermen in the respective area municipalities as follows:

1. Town of Lincoln—eight aldermen elected by wards.
2. Town of Fort Erie—twelve aldermen, eleven elected by wards and one elected by general vote.
3. Town of Grimsby—eight aldermen elected by general vote.

4. City of Niagara Falls—twelve aldermen elected by wards.
5. Town of Niagara-on-the-Lake—eight aldermen elected by general vote.
6. Town of Pelham—six aldermen elected by wards.
7. City of Port Colborne—eight aldermen elected by wards.
8. City of St. Catharines—twelve aldermen elected by wards.
9. Town of Thorold—ten aldermen elected by general vote.
10. Township of Wainfleet—four aldermen elected by general vote.
11. City of Welland—fourteen aldermen elected by wards.
12. Township of West Lincoln—six aldermen elected by wards.

(2) With respect to the area municipalities, except the Township of Wainfleet, elections of the first councils thereof shall be held in the year 1969, and the day for polling shall be the 6th day of October and the first councils elected shall hold office for the years 1970, 1971 and 1972. Election and term of office

(3) For the purposes of the elections of the first councils of the area municipalities, except the Township of Wainfleet, Idem

(a) the Minister shall by order,

- (i) divide into wards the Town of Lincoln, the Town of Fort Erie, the City of Niagara Falls, the Town of Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the City of Welland and the Township of West Lincoln, all as constituted by section 2, and make provision for the respective numbers of aldermen to be elected in the respective wards,
- (ii) with respect to the Town of Fort Erie and the City of Niagara Falls, make provision that only persons whose principal place of residence was continuously since the 1st day of January, 1969, in such wards are eligible to be elected as aldermen for such wards,
- (iii) fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and

(iv) provide for such other matters as he considers necessary to hold the elections; and

- (b) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1969, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

Wainfleet

- (4) With respect to the Township of Wainfleet,

- (a) the reeve, deputy reeve and three councillors in office on the day this Part comes into force shall hold office until the 31st day of December, 1970, or until their successors are elected or appointed, and, on and after the 1st day of January, 1970, the reeve shall be known as the mayor and the deputy reeve and councillors shall be known as aldermen; and
- (b) an election shall be held in the year 1970 to elect a mayor and four aldermen who shall hold office for the years 1971 and 1972. 1968-69, c. 106, s. 3 (1-4); O. Reg. 404/69.

Elections
1972
Niagara
Falls

- (5) The Minister, for the purposes of the election of council for the City of Niagara Falls for the years 1973 and 1974, may by order,

- (a) redivide the City of Niagara Falls into wards;
- (b) make provision that only persons whose principal place of residence is continuously from the 1st day of January, 1972, to the date of nominations in such wards are eligible to be elected as aldermen for such wards; and
- (c) provide for such other matters as he considers necessary to hold such election. 1970, c. 123, s. 2.

Mayor of
Niagara-on-
the-Lake

- (6) The mayor of the Town of Niagara-on-the-Lake shall be known as the Lord Mayor.

Organiza-
tion com-
mittee in
1969

- (7) The members of the council of each area municipality elected in the year 1969 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses of
first
elections

- (8) The expenses of the local municipalities for the elections to elect members of the Regional Council and of the councils of the area municipalities in the year 1969 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. 1968-69, c. 106, s. 3 (6-8).

- 4.—**(1) In every area municipality,
- (a) meetings of electors for the nominations of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter on the second Monday preceding the first Monday in December; and
 - (b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.
- (2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.
- (3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.
- (4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, being chapter 254 of the Revised Statutes of Ontario, 1960, and the assent of the electors as required therein shall be deemed to have been received. 1968-69, c. 106, s. 4.

Meetings of electors for nomination of candidates and polling day

Place of nomination meeting

Term of office

Resident voters' list

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

- 5.—**(1) On the 15th day of October, 1969, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Niagara".
- (2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*. 1968-69, c. 106, s. 6 (1, 2).
- (3) On and after the 1st day of January, 1970, each of the judicial districts of Niagara North and Niagara South, as described in section 6 of *The Territorial Division Act*, shall be deemed to be a county for all judicial purposes and for the purposes of *The Jurors Act* in each judicial district any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 21. 1968-69, c. 106, s. 6 (3); 1968-69, c. 107, s. 2.

Regional Corporation constituted

Deemed municipality under R.S.O. 1970, cc. 118, 323

Regional Area deemed county for judicial purposes R.S.O. 1970 cc. 458, 230

Appoint-
ments for
counties of
Lincoln and
Welland
deemed
appoint-
ments for
Niagara
North and
Niagara
South

(4) Every person who held an office or appointment under any Act on the 31st day of December, 1969, in and for the County of Lincoln or in and for the County of Welland shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1970, in and for the Judicial District of Niagara North or in and for the Judicial District of Niagara South, as the case may be. 1968-69, c. 106, s. 6 (4).

Regional
Council to
exercise
corporate
powers

6.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-laws

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. 1968-69, c. 106, s. 7.

Composition
of Regional
Council

7.—(1) The Regional Council shall consist of twenty-nine members composed of a chairman and,

- (a) in the year 1969, the mayor-elect of each area municipality and the reeve of the Township of Wainfleet and thereafter the head of the council of each area municipality;
- (b) five members elected by general vote of the electors of the area municipality of the City of St. Catharines;
- (c) three members elected by general vote of the electors of the area municipality of the City of Niagara Falls;
- (d) two members elected by general vote of the electors of the area municipality of the City of Welland;
- (e) one member elected respectively by general vote of the electors of each of the area municipalities of the Town of Lincoln, the Town of Fort Erie, the Town of Grimsby, the Town of Niagara-on-the-Lake, the City of Port Colborne and the Town of Thorold.

Appoint-
ment of
chairman by
Lieutenant
Governor
in Council

(2) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1969, to hold office at pleasure during the years 1969 to 1972 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

(3) At the first meeting of the Regional Council in the year 1973 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 19 shall preside until the chairman is elected.

Biennial
appoint-
ment of
chairman

(4) Where the head of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant, and an election shall be held in such municipality forthwith to elect a head of council, except where the vacancy occurs during the last nine months of the term of office of the head of council in which case section 150 of *The Municipal Act* applies, and the expenses of such election shall be borne by the Regional Corporation.

Resignation
from area
council

R.S.O. 1970,
c. 284

(5) If at the first meeting of the Regional Council in the year 1973 and any subsequent first meeting a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act. 1968-69, c. 106, s. 8.

Failure
to elect
chairman

8.—(1) The election of the members of the Regional Council to be elected by general vote of the electors of an area municipality as provided in section 7, subject to any order of the Minister under subsection 2, shall be held at the same times and in the same manner as the election of the mayor of such area municipality, and the members so elected at the elections to be held in the year 1969 shall hold office for the years 1969 to 1972 inclusive, and thereafter such members, commencing with the members to take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new Regional Council is organized.

Elections

(2) For the purposes of the elections to be held in the year 1969 of the members of the Regional Council to be elected by general vote of the electors of the area municipalities,

1969
election

- (a) the Minister may by order fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and such other matters as he may deem necessary to carry out the elections; and

- (b) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, and are resident in a local municipality within the Regional Area for the period between the 1st day of January, 1969, and the day of the poll are entitled to be entered on the voters' list in addition to those so ordinarily entitled.

Qualifica-
tion

(3) A person is eligible to be elected a member of the Regional Council by the electors of an area municipality if he is eligible to be elected a member of the council of the area municipality or to be appointed to fill a vacancy in the office of a member so elected, but no person, except a mayor, may be a member of the Regional Council and the council of an area municipality at the same time.

Disqualifica-
tion

(4) Section 36 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. 1968-69, c. 106, s. 9.

First
meeting
1969

9.—(1) The first meeting of the Regional Council shall be held on or after the 15th day of October, 1969, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting
of area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1970 and in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1970 the first meeting shall be called by the mayor-elect at such time and place as he may designate. 1968-69, c. 106, s. 10 (1, 2).

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1970 and in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council. 1968-69, c. 106, s. 10 (3); 1968-69, c. 107, s. 3.

Certificate
of qualifi-
cation

(4) A person entitled to be a member *ex officio* of the Regional Council shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality of which he is the head of the council and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council.

Oath of
allegiance,
declaration
of qualifi-
cation

(5) The chairman, before taking his seat, shall take an oath of allegiance (Form 1) and a declaration of qualification (Form 2).

(6) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

Declarations
of office
R.S.O. 1970,
c. 284

(7) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 11. 1968-69, c. 106, s. 10 (4-7).

When
Council
deemed
organized

10. Subject to section 9, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. 1968-69, c. 106, s. 11.

Place of
meeting

11.—(1) Fifteen members of the Regional Council representing at least six area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

Quorum
voting

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

One vote

(3) The chairman does not have a vote except in the event of an equality of votes. 1968-69, c. 106, s. 12.

Chairman
vote

12.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Vacancies,
chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 3 of section 7, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Idem

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality from which he was elected shall by by-law within thirty days after the vacancy occurs appoint a successor, who is eligible to be elected a member of the Regional Council, to hold office for the remainder of the term of his predecessor.

Other
members

When seat
to become
vacant
R.S.O. 1970,
c. 284

Where head
of council
incapaci-
tated

(5) Section 145 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the Regional Council.

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. 1968-69, c. 106, s. 13.

Remunera-
tion

13.—(1) Members of the Regional Council, other than the chairman, may be paid, on and after the 1st day of January, 1970, such annual and other remuneration as the Regional Council may determine.

Idem

(2) For the year 1973 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine. 1968-69, c. 106, s. 14.

Committees
of Council

14.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remunera-
tion of
committee
chairman

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council. 1968-69, c. 106, s. 15.

Procedural
by-laws

15. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. 1968-69, c. 106, s. 16.

Head of
Council

16.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief
adminis-
trative
officer

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2. 1968-69, c. 106, s. 17. Application of R.S.O. 1970, c. 284, s. 238

17. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act. 1968-69, c. 106, s. 18. Acting chairman

18.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) Sections 190, 199, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council. 1968-69, c. 106, s. 19. Idem

19.—(1) The Regional Council shall appoint an officer, whose duty it is, Appointment of officer and his duties

(a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;

(b) if required by any member present, to record the name and vote of every member voting on any matter or question;

(c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and

(d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy who shall have all the powers and duties of the officer appointed under subsection 1. Deputy officer

(3) When the office of the officer appointed under subsection 1 is vacant or the incumbent is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting officer *pro tempore* who shall have all the powers and duties of the officer appointed under subsection 1. Acting officer

(4) The chairman appointed under subsection 2 of section 7 shall appoint an acting officer who shall have all the powers and duties of an officer under subsection 1 for the purposes of the first Acting officer, first meeting 1969

meeting of the Regional Council in the year 1969 and thereafter until the Regional Council appoints an officer under this section.

Officer
deemed
clerk under
other Acts

(5) An officer appointed under this section is deemed to be the clerk of the Regional Corporation for the purposes of every Act. 1968-69, c. 106, s. 20.

Minutes
open to
inspection
and copies
to be
furnished

20.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of an officer appointed under section 19, except inter-departmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the officer within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The officer appointed under section 19 shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified
by officer
to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of an officer appointed under section 19, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. 1968-69, c. 106, s. 21.

Appoint-
ment of
financial
officer

21.—(1) The Regional Council shall appoint a financial officer to undertake the duties of a treasurer and such financial officer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
financial
officer

(2) The Regional Council may appoint a deputy financial officer who shall have all the powers and duties of the financial officer.

Acting
financial
officer

(3) When the office of financial officer is vacant or the financial officer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting financial officer *pro tempore* who shall have all the powers and duties of the financial officer.

(4) A financial officer appointed under this section is deemed to be the treasurer of the Regional Corporation for the purposes of every Act. 1968-69, c. 106, s. 22.

Financial officer deemed treasurer under other Acts

22.—(1) The financial officer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the financial officer shall be signed by the financial officer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Receipt and disbursement of money

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

Signing of cheques

- (a) designate one or more persons to sign cheques in lieu of the financial officer; and
- (b) provide that the signature of the financial officer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the financial officer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

Petty cash fund

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the financial officer for any work or service performed or to be performed.

Member of Council, when he may be paid for work

(5) The financial officer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. 1968-69, c. 106, s. 23.

Financial officer's liability limited

23. Subject to subsection 3 of section 22, the financial officer shall,

Bank accounts

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and

- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 22, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the financial officer vary from such provisions. 1968-69, c. 106, s. 24.

Monthly
statement
by financial
officer

24.—(1) The financial officer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the financial officer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. 1968-69, c. 106, s. 25.

Appoint-
ment of
auditors

25.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Disqualifi-
cation of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Department.

Audit of
accounts
before
payment

(5) The Regional Council may provide that all accounts shall be audited before payment. 1968-69, c. 106, s. 26.

26.—(1) Sections 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245 and 250 and paragraphs 63, 64, 65, 66 and 67 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System. Pensions

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan. Idem

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. Sick leave credits

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof or a suburban roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof. Holidays

Offer of
continua-
tion of
employment
by Regional
Council

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1969, is employed by the County of Lincoln or the County of Welland or by any suburban roads commission or the Niagara District Health Unit or in any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act.

Entitlement
to salary

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1970, of not less than he was receiving on the 1st day of April, 1969, and such wage or salary shall include any increase that comes into effect as of the 1st day of July, 1969, where such increase was established by a by-law or a union contract passed or approved before the 1st day of April, 1969, and such wage or salary as is governed by a collective agreement in the process of being negotiated before the 1st day of July, 1969, shall be his wage or salary as of the 1st day of July, 1969.

Application
of
R.S.O. 1970,
c. 324

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Offer of
continua-
tion of
employment
by area
council

(9) The employees of the local municipalities and the local boards thereof within the Regional Area which are amalgamated or annexed in whole or in part to form an area municipality who were employed by such a local municipality or local board on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1970, not less than he was receiving on the 1st day of April, 1969.

Sick leave
credits

(10) Any sick leave credits standing, on the 31st day of December, 1969, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in the sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Termination
of em-
ployment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause. 1968-69, c. 106, s. 27.

PART III

REGIONAL WATERWORKS SYSTEM

27.—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system.

Establishment of waterworks

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission. 1968-69, c. 106, s. 29.

Waterworks utilities commission prohibited

28.—(1) The Regional Council shall, before the 31st day of December, 1969, pass by-laws which shall be effective on the 1st day of January, 1970, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation.

Assumption of works and mains

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed.

Idem

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it.

Interpretation

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1969, and in that case the by-law becomes effective on the date provided therein.

Extension of time

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board,

Regional liability

- (a) no compensation or damages shall be payable to the area municipality or local board;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional

- R.S.O. 1970,
c. 255 Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.
- Default (6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.
- Settling of doubts (7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.
- Interpretation (8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses. 1968-69, c. 106, s. 30.
- Existing agreements **29.**—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.
- Rates (2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement. 1968-69, c. 106, s. 31.
- Powers of area municipalities restricted **30.**—(1) No area municipality, after the 31st day of December, 1969, shall establish, maintain or operate any works for the production, treatment and storage of water.
- Proviso (2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation. 1968-69, c. 106, s. 32.

31.—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Regional Council.

Supply beyond limits of local municipality

(2) Nothing in subsection 1 prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 15th day of October, 1969, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation. 1968-69, c. 106, s. 33.

Proviso

32.—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied.

Regulation of supply etc.

(2) Where, immediately before the 1st day of January, 1970, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act, 1960-61*, the Regional Corporation may continue to fluoridate the water supply to such area. 1968-69, c. 106, s. 34.

Continuation of fluoridation of water supply in area 1960-61, c. 30

33. The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality. 1968-69, c. 106, s. 35.

Maintenance, management, etc.

34.—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

Rates

(2) In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

Idem

(3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the

Self-sustaining

waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

R.S.O. 1970,
c. 323, s. 53,
subs. 1, cl. *k*,
not
applicable

(4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality. 1968-69, c. 106, s. 36.

Retail sale
prohibited

35.—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

Sale to
other muni-
cipalities

(2) The Regional Corporation may enter into a contract for the supply of water to any local or regional municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. 1968-69, c. 106, s. 37.

Books and
accounts

36. The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Department. 1968-69, c. 106, s. 38.

Application
of revenues
R.S.O. 1970,
c. 390

37.—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system;
- (c) the establishment of such reserve funds as the Regional Council considers proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

Where levy
unnecessary

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt.

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Reserve fund

R.S.O. 1970,
c. 470

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system. 1968-69, c. 106, s. 39.

Application
of reserve
fund

38.—(1) Subject to section 45, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system, that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system, but where the property is actually used for the purposes of the waterworks system no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

Disposal of
property

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system. 1968-69, c. 106, s. 40.

Proceeds

39.—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown, or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water.

Temporary
shut-offs

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation. 1968-69, c. 106, s. 41.

No breach
of contract

40.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Standards
for local
systems

Approval
of local ex-
tensions and
connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council. 1968-69, c. 106, s. 42.

Appeal

41. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. 1968-69, c. 106, s. 43.

Payment of
charges

42.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council.

Discounts
and
penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues. 1968-69, c. 106, s. 44.

Transfer of
rights
over works
assumed

43. The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional water-works system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed. 1968-69, c. 106, s. 45.

44. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. 1968-69, c. 106, s. 46.

Inspection
of local
works

45. Where a distribution main has been assumed by the Regional Corporation under section 28 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality. 1968-69, c. 106, s. 47.

Reversion
where mains
no longer
required

46. The works and mains assumed by the Regional Corporation under section 28, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 35, to any local or regional municipality outside the Regional Area. 1968-69, c. 106, s. 48.

Use of
regional
works

PART IV

REGIONAL SEWAGE WORKS

47.—(1) In this Part,

Interpre-
tation

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;

- (f) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) "work" means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

Idem

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council. 1968-69, c. 106, s. 50.

General powers

48.—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

Sewage works utilities commission prohibited

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission. 1968-69, c. 106, s. 51.

Construction etc., of trunk sewage works

49. The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses. 1968-69, c. 106, s. 52.

Assumption of treatment works

50.—(1) The Regional Council shall, before the 31st day of December, 1969, pass by-laws which shall be effective on the 1st day of January, 1970, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

Other works

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse

vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1970.

(3) A by-law under subsection 1 or 2 shall designate and *Idem* describe the works assumed.

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1969, and in that case the by-law becomes effective on the date provided therein. *Extension of time*

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board, *Regional liability*

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement. *R.S.O. 1970, c. 255*

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. *Default*

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. 1968-69, c. 106, s. 53. *Settling of doubts*

51.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. *Existing agreements*

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are *Idem*

assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Termination (3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. 1968-69, c. 106, s. 54.

Powers
of area
municipalities
restricted

52.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council.

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1969, without the approval of the Regional Council. 1968-69, c. 106, s. 55.

Regulation
of system,
etc.

53. The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal. 1968-69, c. 106, s. 56.

Special
benefit

54.—(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Debt
payments

(2) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been

incurred by the Regional Corporation for the purposes of the area municipality.

(3) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work. 1968-69, c. 106, s. 57.

Raising of money by area municipality
R.S.O. 1970, c. 284

55.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council.

Connecting to regional works or water-courses

(2) The Regional Corporation may enter into a contract with any local or regional municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Agreements with other municipalities

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse. 1968-69, c. 106, s. 58.

Inspection

56.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Standards for local systems

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council. 1968-69, c. 106, s. 59.

Approval of local extensions, etc.

57. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

Appeal

(a) to assume as a regional work any local work;

- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. 1968-69, c. 106, s. 60.

Special
sewage
service rates

58.—(1) The Regional Council may pass by-laws, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works.

Idem

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council.

Raising of
money by
area mun-
icipality
R.S.O. 1970,
c. 284

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 362 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. 1968-69, c. 106, s. 61.

Contribu-
tion towards
cost of
separation of
combined
sewers

59. The Regional Council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality, the construction of which commenced on or after the 1st day of January, 1969, such amount as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality. 1968-69, c. 106, s. 62.

Transfer of
rights over
works
assumed

60. The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed. 1968-69, c. 106, s. 63.

61. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. 1968-69, c. 106, s. 64.

Inspection
of local
works

62. Any works assumed by the Regional Corporation under section 50, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 55, from any local or regional municipality outside the Regional Area. 1968-69, c. 106, s. 65.

Use of
regional
works

PART V

REGIONAL ROAD SYSTEM

- 63.** In this Part,
- (a) “approved” means approved by the Minister or of a type approved by the Minister;
 - (b) “construction” includes reconstruction;
 - (c) “Department” means the Department of Highways;
 - (d) “maintenance” includes repair;
 - (e) “Minister” means the Minister of Highways;
 - (f) “road authority” means a body having jurisdiction and control of a highway. 1968-69, c. 106, s. 67.

Interpre-
tation

64.—(1) On and after the 1st day of January, 1970, all roads under the jurisdiction and control of the County of Lincoln and the County of Welland on the 31st day of December, 1969, shall constitute the regional road system until established by by-law

County
roads to
constitute
regional
road system
until
established
by by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the municipality.

Adding or
removing
roads by
by-law

(3) A by-law shall be passed under subsection 2 and submitted not later than the 31st day of March, 1970, to the Minister for approval by the Lieutenant Governor in Council, which by-law

By-law
establishing
system

shall establish the regional road system and designate the roads to be included in and those removed from the regional road system as constituted under subsection 1.

Transfer of
provincial
highway to
Regional
Corporation

(4) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Highway Improvement Act*.

R.S.O. 1970,
c. 201

Vesting of
roads in
Regional
Corporation

(5) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation.

Removal of
roads from
regional
road system
Roads
removed
from
system

(6) The Lieutenant Governor in Council may remove any road from the regional road system.

(7) Where a road or part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 75, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Consolidat-
ing by-law

(8) The Regional Council shall on or before the 1st day of May, 1975, pass a by-law consolidating all by-laws relating to the regional road system and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of
by-laws

(9) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part, and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council. 1968-69, c. 106, s. 68.

Plan of
construction
and
maintenance

65.—(1) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Submission
of by-law
covering
estimated
expenditure

(2) The Regional Corporation shall submit a by-law covering the estimated expenditure on regional roads for the calendar year to the Department for the Minister's approval, not later than the 31st day of March of the year in which the expenditure is to be made.

(3) The Regional Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on regional roads supplementing the by-law submitted under subsection 2. ^{Supplementary by-law}

(4) No subsidy shall be granted by the Department for work undertaken by the Regional Corporation that has not been provided for by a by-law duly approved by the Minister. 1968-69, c. 106, s. 69. ^{Subsidy}

66. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road it shall furnish the Minister with such detailed information as he may require. 1968-69, c. 106, s. 70. ^{Information to Minister}

67.—(1) The Regional Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister, ^{Annual statement to Minister}

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 89 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the financial officer of the Regional Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the Regional Council.

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the financial officer of the Regional Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. ^{Payment to Regional Corporation}

(3) Notwithstanding subsection 2 but subject to section 65, the Minister may, in his discretion, direct payment to the Regional Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent, ^{Advance payments}

- (a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

Payment
for road
improve-
ment

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the regional road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the Regional Corporation, direct payment to the financial officer of the Regional Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Contribution
towards
expenditures

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1968-69, c. 106, s. 71.

Expenditure
for con-
struction,
maintenance
or repair

68. The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Corporation, and in all cases the Minister shall determine the amount of the expenditure for construction or maintenance or for the purchase or maintenance of road machinery, plant and equipment that is properly chargeable to road improvement, and his decision is final. 1968-69, c. 106, s. 72.

Powers
over roads
assumed

69. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Lincoln or The Corporation of the County of Welland or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any suburban roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of Lincoln or the County of Welland or the area municipality or municipalities or suburban roads commission, as the case may be, might have done if the roads had not become part of the regional road system. 1968-69, c. 106, s. 73.

Sidewalks
excepted

70.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such

sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council.

Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost provided

R.S.O. 1970,
c. 255

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipality to conform to requirements and be responsible for damages

(5) Subsection 4 of section 97 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. 1968-69, c. 106, s. 74.

R.S.O. 1970,
c. 201, s. 97,
subs. 4,
not to apply

71.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon, entering or leaving a regional road.

Installation of traffic control devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a regional road.

Relocation of intersecting roads

(3) No road shall be relocated, altered or diverted under subsection 2 without the approval of the area municipality in which the road is located, which approval may be granted upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board.

Approval

(4) The Municipal Board, before giving its approval under subsection 3, shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the

Hearing etc.

area municipality concerned and to such other persons in such manner as the Municipal Board may direct and the Municipal Board, as a condition to giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the relocation, alteration or diversion of such road as to the Municipal Board may appear necessary or expedient.

Construction of storm sewer etc., on area municipality road
R.S.O. 1970, c. 255

(5) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*. 1968-69, c. 106, s. 75.

Intersection of other roads by regional road

72. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road intersected is a part of the regional road system. 1968-69, c. 106, s. 76.

Dedication of lands abutting regional roads for widening purposes

73. When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. 1968-69, c. 106, s. 77.

New roads

R.S.O. 1970, c. 284

74.—(1) The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 64 by assuming such new roads as part of the regional road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

Agreements re controlled-access highways
R.S.O. 1970, c. 201

(2) On and after the 1st day of January, 1970, the Regional Corporation is authorized to enter into agreements with the Minister under section 91 of *The Highway Improvement Act* with respect to roads within the Regional Area and thereafter no area municipality shall enter into such agreements, and all such agreements entered into before such date by a local municipality within the Regional Area shall thereafter be deemed to be agreements entered into by the Regional Corporation. 1968-69, c. 106, s. 78.

Powers and liabilities of Regional Corporation

R.S.O. 1970, cc. 284, 202

75. With respect to the regional roads and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways. 1968-69, c. 106, s. 79.

76.—(1) The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a regional road; and

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Erection of gasoline pump and advertising device near regional road

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. 1968-69, c. 106, s. 80.

Permits

77.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

R.S.O. 1970, c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

(3) The Regional Corporation may contribute toward the cost of erection of signal-light traffic control devices erected by an area municipality.

Contribution toward cost of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road and where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. 1968-69, c. 106, s. 81.

Traffic control within 100 ft. of regional roads

78.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1969, formed part of a city, town, village or township municipality or police village shall be deemed to continue to form part of a city, town, village or township municipality or police village. 1968-69, c. 107, s. 4, *part*; 1970, c. 123, s. 3 (1).

Existing speed limits continued in 1970

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of

By-laws of Regional Council and area councils

highways under its jurisdiction and control. 1968-69, c. 107, s. 4, *part*.

Existing
by-laws
under s. 59
of R.S.O.
1960, c. 172
continued

(3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act*, being chapter 172 of the Revised Statutes of Ontario, 1960, that applied, on the 31st day of December, 1969, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under section 82 of *The Highway Traffic Act* applies thereto. 1968-69, c. 107, s. 4, *part*; 1970, c. 123, s. 3 (2), *amended*.

R.S.O. 1970,
c. 202

Use of
untrav-
elled
portions
of
regional
roads for
parking
R.S.O. 1970,
c. 284

79. The Regional Council may by by-law empower the council of any area municipality to exercise the powers of the area municipality under section 454 of *The Municipal Act* in relation to the use of untravelled portions of regional roads within those portions of the area municipality in which land may be used for commercial or industrial purposes. 1968-69, c. 106, s. 82.

Agreements
for
pedestrian
walks

80. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. 1968-69, c. 106, s. 83.

Disputes
as to
main-
tenance,
etc., of
bridges
and high-
ways

81.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) When there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing by
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given

to the clerk of each municipality, and in the case of the regional municipality the officer appointed under section 19, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it considers just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. 1968-69, c. 106, s. 84. Term of order

82. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1968-69, c. 106, s. 85. Boundary bridges
R.S.O. 1970,
c. 284

83. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1968-69, c. 106, s. 86. Idem

84.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*. Restrictions
R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. 1968-69, c. 106, s. 87. Conflict with local by-law

85.—(1) Subject to the approval of the Municipal Board, the Regional Council may by by-law designate any regional road, or any portion thereof, as a regional controlled-access road. Controlled-access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road. Closing municipal roads

Notice of
application
for
approval for
closing
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Idem

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it considers proper and may fix the amount of such costs.

Appeal

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court considers just.

Practice and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an

appeal from a county court, and the decision of the Court of Appeal is final.

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section. 1968-69, c. 106, s. 88. R.S.O. 1970,
c. 323, s. 95,
not to apply

86.—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. Private
roads, etc.,
opening
upon
regional
controlled-
access road

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1. Notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof. Service of
notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. Failure to
comply
with
notice

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 85 was constructed or used, as the case may be. Compensa-
tion

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law. 1968-69, c. 106, s. 89.

87.—(1) Where the Regional Corporation assumes as a regional road any road in an area municipality, Regional
liability
when road
assumed

- (a) no compensation or damages shall be payable to the area municipality in which it was vested; and

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.
- R.S.O. 1970,
c. 255,
- Default (2) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 1, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.
- Settling
of doubts (3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road assumed, the Municipal Board, upon application, may determine the matter and its decision is final. 1968-69, c. 106, s. 90.
- Stopping up
highways **88.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify by registered mail the officer appointed under section 19.
- Agreement (2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. 1968-69, c. 106, s. 91.
- Appoint-
ment of
roads com-
missioner
R.S.O. 1970,
c. 366 **89.** The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional road system. 1968-69, c. 106, s. 92.
- Application
of
R.S.O. 1970,
c. 201 **90.** Sections 92, 94, 96, 99 and 102 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any regional road. 1968-69, c. 106, s. 93.

PART VI

PLANNING

- Planning
area **91.**—(1) On and after the 1st day of January, 1970, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Niagara Planning Area.
- R.S.O. 1970
c. 349

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Niagara Planning Area.

Designated municipality
R.S.O. 1970,
c. 349

(3) All planning areas and subsidiary planning areas that are included in the Niagara Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1969.

Planning areas
dissolved

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1970, and each council thereof shall be the planning board.

Area municipalities
subsidiary planning areas

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

Proviso

(6) When the Minister has approved an official plan adopted by the Regional Council,

Effect of official plan

(a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith;

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith. 1968-69, c. 106, s. 95.

92.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Niagara Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Planning Area, and without limiting the generality of the foregoing it shall,

Planning duties of Regional Council

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Planning Area in determining the solution of problems or matters affecting the development of the Planning Area; and

(c) consult with any local board having jurisdiction within the Planning Area.

(2) The Regional Council, before the 31st day of December, 1973, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Official plan

(3) The Regional Council shall appoint such planning staff as may be considered necessary.

Appointment of planning staff

Appoint-
ment of
committees

(4) The Regional Council may appoint such planning committees as it considers necessary.

Regional
Corporation
deemed
municipality
under
R.S.O. 1970,
c. 349

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, and sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

Idem

(6) The Regional Council shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.

Agreements
re plans of
subdivision

(7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(8) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority or any agency thereof created by statute for the carrying out of studies relating to the Niagara Planning Area or any part thereof.

Delegation
of Minister's
powers

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees
of
adjustment

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the Niagara Planning Area are hereby dissolved on the 31st day of December, 1969, and the council of each area municipality shall forthwith after the 1st day of January, 1970, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*. 1968-69, c. 106, s. 96.

Application
of
R.S.O. 1970,
c. 349

93. Except as provided in this Part, the provisions of *The Planning Act* apply. 1968-69, c. 106, s. 97.

PART VII

HEALTH AND WELFARE SERVICES

Liability for
hospitaliza-
tion of
indigents
R.S.O. 1970,
cc. 378, 361

94.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Existing
liabilities
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1969, of an indigent person or his dependant who was in hospital on the 31st day of December, 1969, and in respect of whom any local municipality within the Regional Area, the County of Lincoln, or the County of Welland was liable because the indigent person was a resident of

such local municipality, the County of Lincoln or the County of Welland.

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1970. 1968-69, c. 106, s. 99 (1-3). Proviso

95. The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the Regional Area and may issue debentures therefor. 1968-69, c. 106, s. 100. Aid to hospitals

96.—(1) On and after the 1st day of January, 1970, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply. Regional Area deemed health unit R.S.O. 1970, c. 377

(2) The Niagara District Health Unit is hereby dissolved on the 1st day of January, 1970, and all the assets and liabilities thereof become assets and liabilities of the board of health of the health unit of the Regional Area. Dissolution of Niagara District Health Unit

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health. 1968-69, c. 106, s. 101. Boundaries fixed

97.—(1) On and after the 1st day of January, 1970, the board of health of the health unit established under section 96 shall be composed of, Constitution of health board

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

(2) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties. Remuneration of certain members

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation. 1968-69, c. 106, s. 102. Expenses of board

Regional
Corporation
deemed
city under
R.S.O. 1970,
cc. 21, 104,
192, 203,
270, 422,
491

98. For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Day Nurseries Act.*
3. *The General Welfare Assistance Act.*
4. *The Homemakers and Nurses Services Act.*
5. *The Mental Hospitals Act.*
6. *The Sanatoria for Consumptives Act.*
7. *The War Veterans Burial Act.* 1968-69, c. 106, s. 103.

Liability
respecting
homes for
the aged
R.S.O. 1970,
c. 206

99.—(1) The Regional Corporation shall be deemed to be a city for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 16 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 16 shall be signed by such person or persons as may be designated by resolution of the Regional Council. 1968-69, c. 106, s. 104.

Linhaven
Home
vested in
Regional
Corporation

100.—(1) The home for the aged established, erected and maintained jointly by the City of St. Catharines and the County of Lincoln, known as Linhaven Home for the Aged, and all real and personal property used for the purposes of such home, are vested in the Regional Corporation on the 1st day of January, 1970, and, subject to subsection 3, no compensation or damages shall be paid to the City in respect thereof.

Sunset
Haven and
Northland
Manor
vested in
Regional
Corporation

(2) The home for the aged, known as Sunset Haven Home for Senior Citizens, and the rest home, known as Northland Manor, established, erected and maintained jointly by the City of Niagara Falls, the City of Welland, the City of Port Colborne and the County of Welland, and all real and personal property used for the purposes of such homes, are vested in the Regional Corporation on the 1st day of January, 1970, and, subject to subsection 3, no compensation or damages shall be paid to such cities in respect thereof.

Existing
debt

(3) The Regional Corporation shall pay to any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the homes referred to in subsections 1 and 2.

Default

(4) If the Regional Corporation fails to make any payments required by subsection 3, the area municipality which has not

received its due payment may charge the Regional Corporation interest at the rate of one half of 1 per cent for each month or portion thereof that the payment is overdue.

(5) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of a home referred to in subsections 1 and 2, the Municipal Board, upon application, may determine the matter and its decision is final. 1968-69, c. 106, s. 105.

Settling
of doubts

101. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act* and the Regional Corporation shall be deemed to be a metropolitan municipality for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act. 1968-69, c. 106, s. 106.

Regional
Corporation
deemed
Metro-
politan
municipality
under
R.S.O. 1970,
c. 64

102. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1970, by any area municipality under section 88 of *The Child Welfare Act, 1965*, and is entitled to recover the amounts payable to any area municipality on or after that date under that section. 1968-69, c. 106, s. 107.

Existing
liabilities
transferred
1965, c. 14

103. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. 1968-69, c. 106, s. 108.

Liability
under order
made under
R.S.C. 1952,
c. 160

104. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. 1968-69, c. 106, s. 109.

Information

105. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. 1968-69, c. 106, s. 110.

Adjust-
ments

106.—(1) The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

Grants,
etc., to
approved
corporations
under
R.S.O. 1970,
c. 204

Existing
agreements
1968, c. 182

(2) All rights and obligations of the municipalities that are parties to any agreement entered into under *The County of Welland Act, 1968* are hereby assumed by the Regional Corporation and no area municipality shall hereafter have any rights or obligations under any such agreement. 1968-69, c. 106, s. 111.

PART VIII

POLICE

Interpre-
tation

107. In this Part, "Niagara Police Board" means the Niagara Regional Board of Commissioners of Police. 1968-69, c. 106, s. 113.

Area muni-
cipality
deemed city
over 15,000
R.S.O. 1960,
c. 298

108.—(1) For the year 1970, each area municipality shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*.

Boards
dissolved

(2) All boards of commissioners of police having jurisdiction in the Regional Area on the 31st day of December, 1969, are dissolved on the 1st day of January, 1970. 1968-69, c. 106, s. 114 (1, 2).

Boards
to be
constituted

(3) On the 1st day of January, 1970, a board of commissioners of police shall be constituted in accordance with subsection 2 of section 7 of *The Police Act*, being chapter 298 of the Revised Statutes of Ontario, 1960, for the year 1970 for each area municipality. 1968-69, c. 106, s. 114 (3), *amended*.

Niagara
Regional
Board
established
R.S.O. 1970,
c. 351

109.—(1) Notwithstanding *The Police Act*, on the 1st day of January, 1970, a board of commissioners of police shall be constituted to be known as the Niagara Regional Board of Commissioners of Police, which will consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the county court of the Judicial District of Niagara North or the Judicial District of Niagara South designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the Niagara Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act* to members of the Niagara Police Board appointed by the Lieutenant Governor

in Council and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

(4) The estimates for the year 1970 of the board of commissioners of police of each area municipality shall be submitted to the Niagara Police Board before the 1st day of February, 1970, and, upon receipt of the estimates of all such boards, the Niagara Police Board shall consider the estimates and approve them in whole or in part and shall notify each such board of the extent to which its estimates have been approved. Estimates of area boards in 1970

(5) The Niagara Police Board shall submit to the Regional Council on or before the 1st day of March, 1970, its estimates including the aggregate of the estimates as approved under subsection 4. 1968-69, c. 106, s. 115. Estimates of Niagara Board in 1970

110. On and after the 1st day of January, 1971,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 8 thereof; and Regional Corporation deemed city under R.S.O. 1970, c. 351
- (b) The Police Act does not apply to any area municipality. 1968-69, c. 106, s. 116; 1970, c. 123, s. 4.

111.—(1) For the year 1970, the expenses of the board of commissioners of police for each area municipality, including the cost of maintaining, operating and administering a police force in the area municipality, shall be borne by the area municipality. Police costs in area municipalities

(2) The estimated expenses of the Niagara Police Board, excluding the approved estimates of the boards of commissioners of police of the area municipalities shall, subject to subsection 3 of section 14 of *The Police Act*, be included in the sum to be raised by levy under section 119. Levy against area municipalities

(3) An area municipality may pay,

- (a) the expenses referred to in subsection 1; and Rates for cost of policing
- (b) the amounts chargeable to it in the year 1970 for the expenses of the Niagara Police Board and in each year thereafter in respect of maintaining, operating and administering the Niagara Regional Police Force under section 119,

out of its general funds or, subject to the approval of the Ontario Police Commission, by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only.

Farm lands

(4) Subject to the approval of the Ontario Police Commission, the council of an area municipality may grant entire or partial exemption from any rate or rates levied under subsection 3 to lands and buildings used exclusively for farming purposes. 1968-69, c. 107, s. 5.

Area police
force

112.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of July, 1969, and continues to be a member until immediately before the 1st day of January, 1970, shall, on the 1st day of January, 1970, become a member of the police force of the area municipality that includes the local municipality, and the provisions of subsections 2 to 5 of section 26 apply to such members, but no member shall receive in the year 1970 any benefits of employment less favourable than those he was receiving from the local municipality.

Niagara
Regional
Police Force

(2) Every person who is a member of a police force of an area municipality on the 31st day of December, 1970, becomes a member of the Niagara Regional Police Force on the 1st day of January, 1971, and is subject to the government of the Niagara Police Board to the same extent as if appointed by the Niagara Police Board. 1968-69, c. 106, s. 118 (1, 2).

Terms of
employment

(3) Every person who becomes a member of the Niagara Regional Police Force under subsection 2 shall,

- (a) be deemed to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Niagara Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the Niagara Regional Police Force the number of years of service that he had in the police force of the local municipality of which he was a member on the 31st day of December, 1969, together with his year of service in the police force of the area municipality;
- (d) receive such sick leave credits in the sick leave credit plan which shall be established by the Niagara Police Board as he had standing to his credit in the plan of the area municipality; and
- (e) not be assigned without his consent to serve on a permanent basis at a location in the Regional Area more than five miles distant from the area municipality in which he was formerly employed, provided that he was a permanent member of the police force of a local municipi-

pality in the Regional Area before the 1st day of July, 1969. 1968-69, c. 106, s. 118 (3); 1970, c. 123, s. 5.

113. Before the 1st day of February, 1970, the members of the police forces of all area municipalities shall appoint a joint bargaining committee to represent all police forces in the area municipalities to bargain with the Niagara Police Board in the manner and for the purposes provided in *The Police Act*, and the Niagara Police Board shall be the sole negotiating body to bargain with such committee. 1968-69, c. 106, s. 119.

Bargaining

R.S.O. 1960,
c. 298

114.—(1) The Regional Council shall, before the 1st day of January, 1971, pass by-laws which shall be effective on such date assuming for the use of the Niagara Police Board any such land or building that the Niagara Police Board may require that is vested on the 1st day of July, 1970, in any area municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that area municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation

Assumption
of buildings

(2) No area municipality, before the 1st day of January, 1971, shall without the consent of the Niagara Police Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Sale by
area
municipi-
palities
limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1971, and in that case the by-law shall become effective on the date provided therein.

Extension
of time

(4) Where any part of a building mentioned in subsection 1 is used by the area municipality or a local board thereof for other than police purposes, the Regional Corporation may,

Building
not used
exclusively
for police
force

(a) where practicable assume only the part of the building and land appurtenant thereto used for the purposes of the police force of the area municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with the area municipality or local board thereof for the use of a part of the building by the area municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

Regional
Corporation
liability

(a) no compensation or damage shall be payable to the area municipality or local board except as provided in this subsection;

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation;
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1970, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Accommodation

(7) Where a building vested in an area municipality or local board is used partly by the police force of the area municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Niagara Police Board shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Niagara Police Board as was being provided by the area municipality for its police force on the 1st day of July, 1970, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office supplies, etc.

(8) At the request of the Niagara Police Board, each area municipality, for the use of the Niagara Police Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1971, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1971, on the same terms and to the same extent as the police force used the property before such date.

(9) No area municipality, without the consent of the Niagara Police Board, shall dispose of any personal property referred to in subsection 8 owned by the area municipality on the 1st day of July, 1970 or thereafter.

Disposal
of personal
property

(10) All signal and communication systems owned by any area municipality and used for the purposes of the police force of the area municipality on the 1st day of July, 1970, or thereafter are vested in the Regional Corporation for the use of the Niagara Police Board on the 1st day of January, 1971, and no compensation shall be payable to the area municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system.

Signal
system
transferred

- (11) In the event of any doubt as to whether,
- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
 - (b) any land or building is used at least 40 per cent for the purposes of a police force,

Settling of
doubts

the Municipal Board, upon application, may determine the matter and its decision is final. 1968-69, c. 106, s. 120.

115. The regional Corporation shall provide all real and personal property necessary for the purposes of the Niagara Police Board. 1968-69, c. 106, s. 121.

Property
to be
provided

PART IX

FINANCES

116. In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*. 1968-69, c. 106, s. 123.

Interpre-
tation
R.S.O. 1970,
c. 32

117. Section 312 of *The Municipal Act* applies *mutatis mutan-
dis* to the Regional Corporation. 1968-69, c. 106, s. 124.

Investment
of moneys
not imme-
diately,
required
R.S.O. 1970,
c. 284

YEARLY ESTIMATES AND LEVIES

118.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

Yearly
estimates

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve but shall not make any allowance for payments to be received during the current year under section 7 of *The Municipal Unconditional Grants Act*. 1968-69, c. 106, s. 125 (1, 2).

R.S.O. 1970,
c. 293

Surplus or
operating
deficit of
Regional
Council

(3) The surplus or the operating deficit for which the Regional Council shall make due allowance in preparing the estimates for the year 1970 shall be determined by aggregating,

(a) the audited surplus or operating deficit of the County of Lincoln and the audited surplus or operating deficit of the County of Welland at the 31st day of December, 1969; and

(b) a sum equivalent to the total of the audited surpluses and operating deficits and any reserves established under subsection 2 of section 297 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, which are transferred from the County of Lincoln and the County of Welland to the Regional Corporation under this Act. 1968-69, c. 106, s. 125 (3), *amended*.

R.S.O. 1960,
c. 249

Payment
by cities

(4) The sum referred to in clause *b* of subsection 3 shall be apportioned among the City of Niagara Falls, the City of Port Colborne, the City of St. Catharines and the City of Welland in the proportion that the equalized assessment for each city respectively, as ascertained under section 119 for the purpose of apportioning the regional levy for 1970, bears to the total of the equalized assessment so ascertained for the four cities, and the amount apportioned to each city shall be paid by the city to the Regional Corporation not later than the 30th day of June, 1970. 1968-69, c. 106, s. 125 (4).

Levy on
area muni-
cipalities

119.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. Idem

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities. Equalized assessment

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister. When subs. 4 ceases to apply

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality. Copy to Regional Corporation and area municipality

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department. Appeal

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization. Idem

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and, Amendment of by-law where necessary following appeal

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the financial officer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the financial officer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the

financial officer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed assessments, etc., not to apply

R.S.O. 1970, c. 32

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

Valuations of properties in respect of which grants in lieu of taxes received

(12) The clerk of an area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations.

Levy by-laws

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council considers expedient.

Regional levy

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the financial officer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. 1968-69, c. 106, s. 126.

120.—(1) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Equalization of assessment of merged areas

(2) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 1, the Department shall notify the area municipality of the revised and equalized assessment.

Notice

(3) The provisions of subsections 1 and 2 of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 119. 1968-69, c. 106, s. 128.

When provisions cease to apply

121.—(1) Notwithstanding section 119, in the year 1970 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1969 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 119, and subsections 15 and 16 of section 119 apply to such a levy.

Levy by Regional Council before estimates adopted

(2) Notwithstanding section 119, in 1971 and subsequent years the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 119 apply to such a levy.

Idem

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 119.

Levy under s. 119 to be reduced

(4) Notwithstanding section 120, until the date determined by the Minister under subsection 5 of section 119, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters. 1968-69, c. 106, s. 129 (1-4).

Levy by area municipality before estimates adopted

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied under section

Business assessment

130 of *The Assessment Act*, being chapter 23 of the Revised Statutes of Ontario, 1960, the council, notwithstanding section 120, until the date determined by the Minister under subsection 5 of section 119, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters. 1968-69, c. 106, s. 129 (5), *amended*.

Levy under
R.S.O. 1970,
c. 405, s. 7 to
be reduced

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 7 of *The Regional Municipal Grants Act*. 1968-69, c. 106, s. 129 (6); 1970, c. 15, s. 9.

Applica-
tion of
R.S.O. 1970,
c. 284,
s. 303,
subs. 4
R.S.O. 1970,
c. 284,
s. 303 not
to apply

(7) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

(8) Section 303 of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 119. 1968-69, c. 106, s. 129.

Rates under
R.S.O. 1970,
c. 430

122.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each of such merged areas. 1968-69, c. 106, s. 130 (1).

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 120.

Rates for
public
school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 120.

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 120.

Rates for
secondary
school
purposes on
commercial
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 120.

Rates for
secondary
school
purposes on
residential
assessment

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act* the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations
under
R.S.O. 1970,
c. 425 to
apply

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 119. 1970, c. 123, s. 6.

Application
of section

123. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. 1970, c. 123, s. 7.

Transitional
adjustments

124.—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1970 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality. 1968-69, c. 106, s. 132 (1), *amended*.

Allowances
to be made
in estimates
of area
municipi-
palities in
1970

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of

Merged
areas

January, 1970, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1969.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1970, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Audited
surpluses or
operating
deficits of
certain
cities

(4) For the purpose of this section and section 126, the audited surplus or operating deficit of each of the cities of Niagara Falls, Port Colborne, St. Catharines and Welland at the 31st day of December, 1969, shall be that part of the audited surplus or operating deficit of the city that does not form part of the surplus or operating deficit of the Regional Corporation as required by subsection 3 of section 118. 1968-69, c. 106, s. 132 (2-4).

RESERVES

Reserves of
Regional
Corporation

125. Where, under subsection 2 of section 297 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, the County of Lincoln or the County of Welland has established reserves, those reserves shall become the reserves of the Regional Corporation. 1968-69, c. 106, s. 133, *amended*.

ADJUSTMENTS

Interpre-
tation

126.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960. 1968-69, c. 106, s. 134 (1), *amended*.

Surplus or
deficit at
December
31, 1969
to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1969, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 3, shall be provided for by adjustment of the tax rate in the year 1970.

Adjust-
ments may
be spread
over five
years by
order

(3) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years. 1968-69, c. 106, s. 134 (2, 3).

Arbitration

127.—(1) The Minister may, on or before the 1st day of September, 1969, appoint committees of arbitrators for the

purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of Crowland, the Township of Humberstone, the Township of Louth, the Township of Thorold and the Township of Willoughby.

(2) Such committees shall consist of the treasurers of municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds including the treasurers of the divided municipality whose assets, liabilities or reserve funds are to be considered, and such other person or persons as the Minister may appoint. Idem

(3) Before the 31st day of December, 1969, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1970. Provisional determination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1969, together with determinations of any financial adjustments which may be necessary. Final determination

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities. Idem
R.S.O. 1970, c. 284

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination. Idem

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years. Substantial hardship

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality to which the greater or greatest portion of the Documents and records of divided municipalities

assessment of the divided municipality, according to the latest revised assessment roll, is transferred, and such documents and records shall be made available to any official of any area municipality to which any other portion of the assessment of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred. 1968-69, c. 106, s. 135.

RESERVE FUNDS

Reserve
funds of
municipalities

128.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. 1968-69, c. 106, s. 136.

Reserve
funds

129.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments
and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1970,
c. 470

Expenditure
of reserve
fund
moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Auditor to
report on
reserve
funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. 1968-69, c. 106, s. 137.

TEMPORARY LOANS

Current
borrowings

130.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and

financial officer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Limit upon borrowings

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1970 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

Temporary application of estimates of preceding year

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the financial officer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Execution of promissory notes

(6) The Regional Council may by by-law provide or authorize the chairman and financial officer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Creation of charge

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and financial officer.

Execution of agreements

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section,

Penalties for excess borrowings

every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for misapplication of revenues by Regional Council

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for misapplication of revenues by officials

(10) If any member of the Regional Council or officer of the Regional Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving as to penalties

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. 1968-69, c. 106, s. 138.

R.S.O. 1970, c. 118

DEBT

Debt
R.S.O. 1970, c. 323

131.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1969, power to issue debentures.

(4) When an area municipality, prior to the 31st day of December, 1969, Uncompleted works

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*, being chapter 274 of The Revised Statutes of Ontario, 1960; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 134, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*. 1968-69, c. 106, s. 139. Bonds, debentures, etc., trustee investments R.S.O. 1970, c. 470

132.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 131 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. Power to incur debt or issue debentures R.S.O. 1970, c. 323

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained. Idem

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*. 1968-69, c. 106, s. 140. Proviso

133.—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the Hearing

Regional Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

Notice

(2) Notice of the hearing shall be given to the officer of the Regional Corporation appointed under section 19 and to the clerk of each area municipality in such manner as the Municipal Board may direct.

Dispensation with hearing

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation.

Idem

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Regional Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing. 1968-69, c. 106, s. 141.

Borrowing pending issue and sale of debentures

134.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on proceeds transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application of proceeds of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were

authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 146, shall be transferred to the area municipality.

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. 1968-69, c. 106, s. 142.

Hypotheca-
tion not
to prevent
subsequent
sale of
debentures

135.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Principal
and interest
payments

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

Sinking
fund
debentures

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

When
debentures
to be
payable

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

Special
levy against
area muni-
cipalities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

General
levy

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Levy by
area muni-
cipalities

Levies a
debt

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law
to change
mode of
issuing
debentures

(8) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or vice versa and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures
when to be
dated and
issued

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(12) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(14) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

(15) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolidation

(16) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Consolidating debenture by-laws
R.S.O. 1970, c. 284

(17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

Redemption before maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(18) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

Annual
rates

(19) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(20) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding $3\frac{1}{2}$ per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consol-
idated bank
accounts

(21) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the financial officer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking
fund
committee

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

Alternate
members

(23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(24) The financial officer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Chairman

(25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

Security

R.S.O. 1970,
c. 284

(26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Quorum

(27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Control of
sinking
fund
assets

(28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

With-
drawals
from bank
accounts

(29) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Investments

(30) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

Idem

(a) in securities in which a trustee may invest under *The Trustee Act*;

R.S.O. 1970,
c. 470

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Deposit of
securities
with
Treasurer of
Ontario

(32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 31 only upon the direction in writing of the sinking fund committee.

Release of
securities
by
Treasurer of
Ontario

Sinking
fund
accounts

(33) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited to
sinking
fund
account

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause *a*.

Sinking
fund
require-
ments

(35) The financial officer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(36) If the financial officer of the Regional Corporation contravenes subsection 21 or 35, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure
to levy

(37) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking
fund
account
more than
sufficient
to pay debt

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. No diversion of sinking funds

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall, Surplus

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40. Deficit and surplus
1968-69, c. 106, s. 143.

136.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for, When rate of interest may be varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;

- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypotheca-
tion not a
sale under
this section

(2) For the purposes of this section, the hypothecation of debentures under section 134 shall not constitute a sale or other disposal thereof.

Consol-
idation of
debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special
assessment
and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Corporation. 1968-69, c. 106, s. 144.

Repeal of
by-law
when
part only of
money to be
raised

137.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When
to take
effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 1968-69, c. 106, s. 145.

Until
debt paid
certain
by-laws
cannot be
repealed

138.—(1) Subject to section 137, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. 1968-69, c. 106, s. 146.

Application
of payments

139. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. 1968-69, c. 106, s. 147.

Offence for
neglect of
officer to
carry out
by-law

140.—(1) Within four weeks after the passing of a money by-law, the officer appointed under section 19 may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the Registry Offices for the Registry Divisions of the Judicial Districts of Niagara North and of Niagara South.

Money
by-laws
may be
registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

Application
to quash
registered
by-law,
when to be
made

R.S.O. 1970,
cc. 323,
136, 255

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when
by-law
to be
valid and
binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Quashing
part of
by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such

Dismissal of
application

dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 132, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 135 have not been substantially complied with.

Failure to
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it. 1968-69, c. 106, s. 148.

Debentures,
how sealed
and
executed

141.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the financial officer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the financial officer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the financial officer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
repro-
duction of
signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the financial officer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
repro-
duction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the financial officer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the financial officer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency
of
signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons

provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. 1968-69, c. 106, s. 149.

142. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. 1968-69, c. 106, s. 150.

Debentures on which payment has been made for one year to be valid

143.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

Mode of transfer may be prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the financial officer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the financial officer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the financial officer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the financial officer (or by such other person

Transfer by entry in Debenture Registry Book

so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors. 1968-69, c. 106, s. 151.

Replace-
ment of lost
debentures

144. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. 1968-69, c. 106, s. 152.

Exchange of
debentures

145.—(1) On request of the holder of any debenture issued by the Regional Corporation, the financial officer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the financial officer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New
debentures
of same
force and
effect as
debentures
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The financial officer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. 1968-69, c. 106, s. 153.

Application
of proceeds
of
debentures

146.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. 1968-69, c. 106, s. 154.

Deficiency

147. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 146 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold. 1968-69, c. 106, s. 155.

Use of proceeds of sale of asset acquired from proceeds of sale of debentures

148. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. 1968-69, c. 106, s. 156.

Tenders for debentures

149.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

Accounts, how to be kept

- (i) an additional account for the interest, if any, and
- (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated interest account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. 1968-69, c. 106, s. 157.

Application of surplus money

150. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal. 1968-69, c. 106, s. 158.

Liability of members

151.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disqualification

(3) The members who vote for such application are disqualified from holding any municipal office for two years. 1968-69, c. 106, s. 159.

Refinancing of debentures

152. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase. 1968-69, c. 106, s. 160.

153. The amount of the indebtedness of any area municipality at any one time for the purpose of *The Tile Drainage Act* shall not exceed the amounts stated in the Schedule to this section.

Indebtedness for tile drainage
R.S.O. 1970, c. 461

SCHEDULE

Area Municipality	Amount of Indebtedness
Town of Lincoln	\$1,324,000
Town of Fort Erie	1,645,000
Town of Grimsby	1,000,000
City of Niagara Falls	1,625,000
Town of Niagara-on-the-Lake	1,000,000
Town of Pelham	1,022,000
City of Port Colborne	790,000
City of St. Catharines	677,000
Town of Thorold	964,000
Township of Wainfleet	500,000
City of Welland	957,000
Township of West Lincoln	1,300,000

1968-69, c. 106, s. 161; O. Reg. 404/69.

PART X

GENERAL

154.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254, paragraphs 3 and 24 of section 352 and section 394 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application of R.S.O. 1970, c. 284

Deemed
city under
R.S.O. 1970,
c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be deemed to be by-laws passed by the council of a city. 1968-69, c. 106, s. 163 (1, 2).

Erections,
annexations
and
amalgama-
tions

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. 1968-69, c. 106, s. 163 (3); 1970, c. 128, s. 8.

Nuisances

(4) The Regional Corporation shall be deemed to be a local municipality for the purpose of paragraph 120 of subsection 1 of section 351 of *The Municipal Act*.

Delegation
of approvals
or consents

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 40, subsection 1 of section 55, subsection 2 of section 56 and subsection 2 of section 70 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed
county for
R.S.O. 1970,
c. 81

(6) For the purposes of *The Construction Safety Act*, the Regional Corporation shall be deemed to be a county and the area municipalities, except cities, shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed
municipality
R.S.O. 1970,
c. 250

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*. 1968-69, c. 106, s. 163 (4-7).

By-laws

(8) On the 1st day of January, 1970,

- (a) the by-laws of the former Township of Clinton, that would have extended under section 18 of *The Municipal Act* to that portion of the Township of Louth annexed to the Town of Lincoln under clause *a* of subsection 1 of section 2 had it been annexed to the Township of Clinton, extend and apply to such portion of the Township of Louth;
- (b) the by-laws of the former Township of Bertie, that would have extended under section 18 of *The Municipal Act* to that portion of the Township of Willoughby annexed to the Town of Fort Erie under clause *b* of subsection 1 of section 2 had it been annexed to the Township of Bertie, extend and apply to such portion of the Township of Willoughby;

- (c) the by-laws of the former City of Niagara Falls, that would have extended under section 18 of *The Municipal Act* to those portions of the townships of Crowland, Humberstone and Willoughby annexed to the City of Niagara Falls under clause *d* of subsection 1 of section 2 had they been annexed under section 14 of *The Municipal Act* to the former City of Niagara Falls, extend and apply to such portions of such townships; R.S.O. 1970,
c. 284
- (d) the by-laws of the former Village of Fonthill that would have extended under section 18 of *The Municipal Act* to that portion of the Township of Thorold annexed to the Town of Pelham under clause *f* of subsection 1 of section 2 had it been annexed to the Village of Fonthill, extend and apply to such portion of the Township of Thorold;
- (e) that portion of the Township of Thorold annexed to the Town of Thorold under clause *i* of subsection 1 of section 2 shall be deemed to be amalgamated with the Town for the purpose of subsection 2 of section 17 of *The Municipal Act*. 1968-69, c. 106, s. 163 (8); 1968-69, c. 107, s. 6; O. Reg. 404/69.

155.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

Emergency
measures
civil
defence

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;

- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. 1968-69, c. 106, s. 164.

R.S.C. 1952,
c. 288,
R.S.O. 1970,
c. 145

Expendi-
tures for
diffusing
information

156. The Regional Corporation make make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years. 1968-69, c. 106, s. 165.

Grants to
persons
engaged in
work advan-
tageous to
Regional
Area

157. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 119, to institutions, associations and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act. 1968-69, c. 106, s. 166.

Payment of
damages to
employees
R.S.O. 1970,
c. 506

158. Where in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. 1968-69, c. 106, s. 167.

Investiga-
tion by
county judge
of charges of
malfeasance

159.—(1) Where the Regional Council passes a resolution requesting a judge of either of the county courts within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the

part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

R.S.O. 1970,
c. 379

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees
payable to
judge
R.S.O. 1970,
c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging
counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. 1968-69, c. 106, s. 168.

Idem

160.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

Commission
of inquiry

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

When
commission
may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. 1968-69, c. 106, s. 169.

Expenses of
commission

Entry on
highways,
etc.

161. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. 1968-69, c. 106, s. 170.

Agreements
re services

162. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment. 1968-69, c. 106, s. 171.

Application
of
R.S.O. 1970,
c. 32

163.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
municipalities
not deemed
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-
tation

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof. 1968-69, c. 106, s. 172.

Executions
against
Regional
Corporation

164.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the financial officer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff’s fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.

3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Niagara" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. 1968-69, c. 106, s. 173.

Functions
of clerk,
assessors
and
collectors

165.—(1) The Corporation of the County of Lincoln and The Corporation of the County of Welland are dissolved on the 1st day of January, 1970.

Counties
dissolved

Assets and
liabilities

(2) All the assets and liabilities of the counties of Lincoln and Welland become, on the 1st day of January, 1970, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Lincoln or the County of Welland shall be transferred to the officer appointed under section 19. 1968-69, c. 106, s. 174.

Library
Co-operative
dissolved

166.—(1) The Welland County Library Co-operative is dissolved on the 1st day of January, 1970.

Assets and
liabilities

(2) All the assets and liabilities of The Welland County Library Co-operative become, on the 1st day of January, 1970, assets and liabilities of The Welland County Board of Education. 1968-69, c. 107, s. 7.

Suburban
roads
commissions
dissolved

167.—(1) All suburban roads commissions in the Regional Area are dissolved on the 1st day of January, 1970.

Assets and
liabilities

(2) All the assets and liabilities of the roads commissions dissolved under subsection 1 become, on the 1st day of January, 1970, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commissions shall be transferred to the officer appointed under section 19. 1968-69, c. 106, s. 175.

Adjustment
of assets,
etc.

168.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the counties of Lincoln and Welland and the dissolution of the Niagara District Health Unit and suburban roads commissions under this Act.

R.S.O. 1970,
c. 284

Disputes

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and section 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power. 1968-69, c. 106, s. 176.

R.S.O. 1970,
c. 323

Conditional
powers

169. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act. 1968-69, c. 106, s. 177.

Conflict
with other
Acts

170. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. 1968-69, c. 106, s. 178.

171.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more are municipalities, Municipal buildings

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. 1968-69, c. 106, s. 179. Application of R.S.O. 1970, c. 284

172.—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind. Interpretation

(2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities. Agreement

(3) For the purposes of an agreement under subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste. Waste disposal sites

(4) A by-law passed under paragraph 116 of subsection 1 of section 354 of *The Municipal Act* does not apply to the Regional Corporation. Application of by-law under R.S.O. 1970, c. 284, s. 354, subs. 1, par. 116

(5) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. 1968-69, c. 106, s. 180. Acquisition of land for waste disposal

173. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. 1968-69, c. 106, s. 181. Regional Fire Co-ordinator

174.—(1) On and after the 1st day of January, 1970, no area municipality shall be required to comply with section 108 of *The Power Commission Act*. Application of R.S.O. 1970, c. 354, s. 108

Powers of
utilities
commissions
transferred
to area
municipality
or Regional
Corporation

(2) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the Regional Area are continued for the year 1970 as local boards of the area municipality in which they have jurisdiction and the powers and duties of every such public utility commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1970, powers and duties of an area municipality or the Regional Corporation as required by this Act. 1968-69, c. 106, s. 182 (1, 2).

Distribution
of electrical
power

(3) Where, on the 31st day of December, 1969, the Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area. 1968-69, c. 106, s. 182 (3); 1970, c. 123, s. 9 (1).

Members of
commissions
continued
in office

(4) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex officio* members, who held office on the 27th day of June, 1969, shall continue to hold office until the 1st day of January, 1972, and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission. 1968-69, c. 106, s. 182 (4); 1970, c. 123, s. 9 (2), *amended*.

Commis-
sions
dissolved

(5) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1970, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission. 1968-69, c. 106, s. 182 (5).

Boards in
St.
Catharines
dissolved

175.—(1) The following boards and committees of the City of St. Catharines are hereby dissolved on the 1st day of January, 1970:

1. St. Catharines Community Centres Board;
2. Merriton Ward Community Centre Board;
3. St. Catharines Recreation Committee;
4. The Board of Park Management of St. Catharines,

and on such date all the assets and liabilities of such boards and committees become the assets and liabilities of The Corporation of the City of St. Catharines without compensation.

(2) The council of the City of St. Catharines shall be deemed to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*. 1968-69, c. 106, s. 183 (1, 2).

Council of St. Catharines deemed community centre board, etc. R.S.O. 1970, cc. 111, 73

(3) The Corporation of the City of St. Catharines shall be deemed to be an approved corporation under *The Elderly Persons Centres Act*. 1968-69, c. 107, s. 8, *part*.

Application of R.S.O. 1970, c. 140, to St. Catharines

(4) The employees of any board or committee dissolved under this section who were employed by such board or committee on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, shall be offered employment by the council of the City of St. Catharines, and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1970, not less than he was receiving on the 1st day of April, 1969.

Employees

(5) Subsections 10 and 11 of section 26 apply *mutatis mutandis* to any employee who accepts employment under subsection 3. 1968-69, c. 106, s. 183 (3, 4).

Application of s. 26

176.—(1) The following boards and committee of the City of Port Colborne are hereby dissolved on the 1st day of January, 1970:

Boards in City of Port Colborne dissolved

1. Port Colborne—Humberstone Community Centre Board;
2. Port Colborne Parks Community Centre Board;
3. Port Colborne Recreation Committee,

and on such date all the assets and liabilities of such boards and committee become the assets and liabilities of The Corporation of the City of Port Colborne without compensation.

(2) The council of the City of Port Colborne shall be deemed to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Council of Port Colborne deemed community centre board, etc.

(3) The employees of any board or committee dissolved under this section who were employed by such board or committee on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, shall be offered employment by the council of the City of Port Colborne, and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1970, not less than he was receiving on the 1st day of April, 1969.

Employees

Application
of s. 26

(4) Subsections 10 and 11 of section 26 apply *mutatis mutandis* to any employee who accepts employment under subsection 3. 1968-69, c. 107, s. 9.

Licensing
by-law may
be passed
by councils
of cities
R.S.O. 1970,
c. 284

177. The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*. 1970, c. 123, s. 10.

Regional
Corporation
deemed
municipality
under
R.S.O. 1970,
c. 284, s. 352,
par. 9.

178. The Regional Corporation shall be deemed to be a local municipality for the purposes of paragraph 9 of section 352 of *The Municipal Act*. 1968-69, c. 106, s. 184.

Expenditures
of Regional
Corporation
during 1969

179. The expenditures of the Regional Corporation during the year 1969, as approved by the Department, shall be paid out of the Consolidated Revenue Fund. 1968-69, c. 107, s. 10.

Courts of
revision
continued

180. The courts of revision constituted for the counties of Lincoln and Welland in the year 1969 shall be deemed to have been and are continued for the purposes of section 85 of *The Assessment Act, 1968-69*, and the Regional Corporation shall be deemed to have been and is authorized to make all necessary expenditures required for such courts of revision. 1970, c. 123, s. 11.

FORM 1

(Section 9 (5))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Niagara, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

1968-69, c. 106, Form 1.

FORM 2

(Section 9 (5))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (*or* appointed) as chairman of the council of The Regional Municipality of Niagara, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of twenty-one years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of Niagara or any local board thereof or any area municipality of local board thereof.

5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

1968-69, c. 106, Form 2

CHAPTER 407

**The Regional Municipality of
Ottawa-Carleton Act**

INTERPRETATION

1. In this Act,Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the Township of Cumberland, the City of Vanier, the Township of Fitzroy, the Township of Gloucester, the Township of Goulbourn, the Township of Huntley, the Township of March, the Township of Marlborough, the Township of Nepean, the Township of North Gower, the Township of Osgoode, the City of Ottawa, the Village of Richmond, the Village of Rockcliffe Park, the Village of Stittsville, or the Township of Torbolton;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “Department” means the Department of Municipal Affairs;
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements, and hereditaments, and any other estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (h) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

- (i) "Minister" means the Minister of Municipal Affairs;
- (j) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money other than a by-law passed under section 95;
- (k) "Municipal Board" means the Ontario Municipal Board;
- (l) "Regional Area" means the area from time to time included within the municipalities of the Township of Cumberland, the City of Vanier, the Township of Fitzroy, the Township of Gloucester, the Township of Goulbourn, the Township of Huntley, the Township of March, the Township of Marlborough, the Township of Nepean, the Township of North Gower, the Township of Osgoode, the City of Ottawa, the Village of Richmond, the Village of Rockcliffe Park, the Village of Stittsville, and the Township of Torbolton;
- (m) "Regional Corporation" means The Regional Municipality of Ottawa-Carleton;
- (n) "Regional Council" means the council of the Regional Corporation;
- (o) "regional road" means a road forming part of the regional road system established under Part IV;
- (p) "roadway" means that part of the highway designed or intended for use by vehicular traffic;
- (q) "United Counties" means the municipality or Corporation of the United Counties of Prescott and Russell;
- (r) "waterworks" means buildings, structures, plant machinery, equipment and appurtenances, devices, conduits, intakes and outlets and underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses. 1968, c. 115, s. 1; 1968-69, c. 108, s. 1.

PART I

INCORPORATION AND COUNCIL

Regional
Corporation
constituted

2.—(1) On the 15th day of June, 1968, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Ottawa-Carleton".

Deemed
municipality
under
R.S.O. 1970,
cc. 118, 323

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*. 1968, c. 115, s. 2 (1, 2).

(3) On and after the 1st day of July, 1970, the Regional Area shall continue to be deemed a county for all judicial purposes and shall for such purposes be known and designated as the Judicial District of Ottawa-Carleton. 1970, c. 53, s. 1.

Judicial
District of
Ottawa-
Carleton

3.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Regional
Council to
exercise
corporate
powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

By-laws

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. 1968, c. 115, s. 3.

Not to be
quashed as
unreason-
able

(4) Every person who held an office or appointment under any Act on the 31st day of December, 1968, in and for the County of Carleton shall be deemed, so long as he continues to hold such office or appointment, to have held and to hold such office or appointment on and after the 1st day of January, 1969, in and for The Regional Municipality of Ottawa-Carleton. 1968-69, c. 108, s. 2.

Appoint-
ments for
County of
Carleton
deemed
appoint-
ments for
Regional
Municipality
of Ottawa-
Carleton

4.—(1) The Regional Council shall consist of thirty-one members composed of a chairman and,

Composi-
tion of
Regional
Council

- (a) the head of council of the Township of Cumberland, the City of Vanier, the Township of Gloucester, the Township of Nepean, the Township of Osgoode, the City of Ottawa, and the Village of Rockcliffe Park;
- (b) the four members of the board of control of the City of Ottawa;
- (c) the alderman in each of the eleven wards of the City of Ottawa who at the general municipal election next preceding the day the Regional Council is organized in any year received the highest number of votes in such ward;
- (d) an alderman of the City of Vanier elected by general vote who at the general municipal election next preceding the day the Regional Council is organized in any year received the highest number of votes or if no alderman was elected by general vote then an alderman appointed by the City of Vanier;
- (e) the deputy reeve of the Township of Gloucester;
- (f) subject to subsection 8, the deputy reeve of the Township of Nepean and the councillor of the said township

who, at the general municipal election next preceding the day the Regional Council is organized in any year, received the highest number of votes;

- (g) the head of either the council of the Township of Fitzroy or the Township of Torbolton elected by a majority vote at a joint meeting of such councils;
- (h) the head of either the council of the Township of North Gower or the Township of Marlborough elected by a majority vote at a joint meeting of such councils;
- (i) the head of either the council of the Township of Huntley or the Township of March elected by a majority vote at a joint meeting of such councils; and
- (j) the head of one of the councils of the Village of Richmond, the Village of Stittsville or the Township of Goulbourn elected by a majority vote at a joint meeting of such councils. 1968, c. 115, s. 4 (1); 1968-69, c. 108, s. 3.

Appoint-
ment of
chairman by
Lieutenant
Governor
in Council

(2) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of June, 1968, to hold office during pleasure for the years 1968 to 1972 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Triennial
appoint-
ment of
chairman

(3) At the first meeting of the Regional Council in the year 1973 and in every third year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the two following years and until his successor is appointed or elected in accordance with this Act.

Resignation
from area
council

(4) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure
to elect
chairman

(5) If at the first meeting in the year 1973, and any subsequent first meeting, a chairman is not elected, the presiding member may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the two following years and until his successor is elected or appointed in accordance with this Act.

Acclamation
or equality
of votes

(6) If after any general municipal election, by reason of acclamation or an equality of votes or for any other reason, it cannot be determined which alderman or councillor of an area

municipality is entitled to be a member of the Regional Council, the matter shall be determined by resolution of the council of the area municipality.

(7) Where the councils of two municipalities required by this section to elect a member of the Regional Council by joint meeting in the year 1970 and in every third year thereafter, fail to so elect a member by the 15th day of January in that year, then the head of the council of the municipality having the lowest number of electors shall be the member of the Regional Council for that year, and, if by the end of that year, the councils again fail to elect a member of the Regional Council, the head of the council of the municipality having the highest number of electors shall be the member of the Regional Council for the immediately succeeding year and thereafter on an annual alternating basis until agreement has been reached on the election of a member of the Regional Council in accordance with this section; and where the councils of three joint municipalities required by this section to elect a member of the Regional Council by joint meeting in the year 1970 and in every year thereafter, fail to so elect a member of the Regional Council before the 15th day of January in that year, the head of the council of the municipality having the lowest number of electors shall be the member of the Regional Council for the immediately succeeding year and if by the end of that year the councils again fail to elect a member to the Regional Council, the head of the council of the municipality having the second lowest number of electors shall be the member of the Regional Council for the immediately succeeding year, and if by the end of that year the councils again fail to elect a member to the Regional Council, the head of the council of the municipality having the highest number of electors shall be the member of the Regional Council for the immediately succeeding year, and in the event that the councils fail to elect a member of the Regional Council before the 1st day of July, 1968, the head of the council of the municipality having the higher or highest number of electors shall be the member of the Regional Council for the years 1968 and 1969.

Election of
members
from joint
area muni-
cipalities

(8) For the years 1968 and 1969, the following area municipalities, in addition to the head of the council, shall be represented on the Regional Council by the following persons,

Representa-
tion for
years
1968, 1969

- (a) a member of the council of the City of Eastview appointed by the council; and
- (b) the deputy reeve and one councillor of the Township of Nepean appointed by the council.

(9) The members of the Regional Council, other than the chairman, hold office only while they hold the offices that entitled them to such membership or appointment to such membership and until their successors take office. 1968, c. 115, s. 4 (2-9).

Qualifica-
tion for
member-
ship

Municipal
election,
1968

5.—(1) In every area municipality that according to its by-law is required to hold an election in the year 1968, notwithstanding such by-law,

- (a) the meetings of electors for the nomination of candidates for council or for any local board, any members of which are to be elected by ballot by the electors shall be held on the 18th day of November, 1968;
- (b) the day for polling shall be the 2nd day of December, 1968, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening; and
- (c) any person elected at such election shall hold office for a period of one year.

Meetings
of electors
for nomination
of
candidates

(2) In every area municipality, meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1969 and in every third year thereafter on the second Monday preceding the first Monday in December.

Polling day

(3) The day for polling in the year 1969 and in every third year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

Place of
nomination
meeting

(4) The council of every area municipality, before the 1st day of November in the year 1969 and in every third year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Term of
office

(5) The members of the council of each area municipality and such local boards shall hold office for a three-year term and until their successors are elected and the new council or board is organized.

Resident
voters'
list
R.S.O. 1960,
c. 254

(6) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received. 1968, c. 115, s. 5.

Abolition of
office of
Deputy
Reeve

6.—(1) No area municipality which has or is entitled to have a deputy reeve, except the townships of Gloucester and Nepean, shall, notwithstanding the provisions of any Act, have a deputy reeve on or after the 1st day of January, 1970. 1968, c. 115, s. 6 (1).

Township
of Nepean

(2) On and after the 1st day of January, 1970, the council of the Township of Nepean shall consist of a reeve, a deputy reeve and five councillors, all to be elected by general vote. 1968-69, c. 108, s. 4.

Number of
members
on area
councils

7. The council of each area municipality shall continue to be composed of the same number of members as if this Act had not been passed. 1968, c. 115, s. 7.

8.—(1) The first meeting of the Regional Council shall be held on or after the 15th day of June, 1968, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting
1968

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1969 and in the year 1970 and in every third year thereafter shall be held not later than the 8th day of January.

First
meeting
of area
councils

(3) The first meeting of the Regional Council in the year 1969 and in the year 1970 and in every third year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January on such date and at such time and place as may be fixed by by-law of the Regional Council.

First
meeting of
Regional
Council

(4) A person entitled to be a member of the Regional Council in accordance with section 4 shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality which he represents and under the seal of the area municipality certifying that he is entitled to be a member under such section, and, in the case of a member representing two or more area municipalities, the clerk of each area municipality represented by that member shall, in addition, certify that the member has been so appointed by joint meeting of such area municipalities or is entitled to be a member under the provisions of this Act.

Certificate
of qualifica-
tion

(5) The chairman, before taking his seat, shall take an oath of allegiance (Form 1) and a declaration of qualification (Form 2).

Oath of
allegiance,
declaration
of qualifica-
tion

(6) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose, and each such declaration shall include a declaration that the member has not by himself or a partner, directly or indirectly, any interest in any contract with or on behalf of the Regional Corporation or any local board thereof.

Declaration
of office
R.S.O. 1970,
c. 284

(7) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 10. 1968, c. 115, s. 8.

When
Council
deemed
organized

9. Subject to section 8, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. 1968, c. 115, s. 9.

Place of
meeting

Quorum,
voting

10.—(1) Sixteen members of the Regional Council representing at least six area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

Chairman's
vote

(3) The chairman does not have a vote except in the event of an equality of votes. 1968, c. 115, s. 10.

Vacancies,
chairman

11.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 3 of section 4, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Other
members

(4) When a vacancy occurs in the office of a member other than the chairman, the council of the area municipality of which he was a member, or in the case of a member representing two or more municipalities, the councils of such municipalities, shall within thirty days after the vacancy occurs obtain a successor in accordance with the qualifications provided for in section 4 to hold office for the remainder of the term of his predecessor.

Vacancy
due to
absence
from
meetings

(5) The seat of a member of the Regional Council becomes vacant if he absents himself continuously from the meetings of the Regional Council during a period of three months without being authorized so to do by a resolution of the Regional Council entered upon its minutes, and the Regional Council shall forthwith declare the seat to be vacant. 1968, c. 115, s. 11.

Remunera-
tion

12.—(1) Members of the Regional Council representing area municipalities may be paid such annual or other remuneration as the Regional Council may determine.

Idem

(2) For the year 1973 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine. 1968, c. 115, s. 12.

13.—(1) The Regional Council may by by-law approved by a two-thirds vote of all members of the Regional Council provide for the appointment of an Executive Committee to be composed of a chairman and four, six, or eight other members of the Regional Council, not more than half of whom shall be members of the council of the City of Ottawa, and the chairman of the Regional Council shall be the chairman of the Executive Committee and entitled to vote as a member thereof.

Executive Committee

(2) The Executive Committee shall have all the powers and duties of a board of control under subsection 1 of section 208 of *The Municipal Act*, and subsections 2 to 16, 18 and 19 of that section apply *mutatis mutandis*.

Powers

R.S.O. 1970,
c. 284

(3) Each member of the Executive Committee, except the chairman, in addition to his remuneration as a member of the Regional Council shall receive such remuneration as may be authorized by the Regional Council. 1968, c. 115, s. 13.

Remuneration

14.—(1) The Regional Council may from time to time establish such standing or other committees, and assign to them such duties as it considers expedient.

Committees of council

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council. 1968, c. 115, s. 14.

Remuneration of chairman

15. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. 1968, c. 115, s. 15.

Procedural by-laws

16. The chairman is the head of the Regional Council and the Chief Executive Officer of the Regional Corporation. 1968, c. 115, s. 16.

Head of Council

17. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act. 1968, c. 115, s. 17.

Acting chairman

18.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Applica-
tion of
R.S.O. 1970,
c. 284

(2) Sections 190, 199, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Corporation. 1968, c. 115, s. 18.

Idem

Appoint-
ment of
clerk and
his duties

19.—(1) The Regional Council shall appoint a clerk, whose duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy
clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk,
first
meeting
1968

(4) The chairman appointed under subsection 2 of section 4 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Regional Council in the year 1968 and thereafter until the Regional Council appoints a clerk or an acting clerk under this section. 1968, c. 115, s. 19.

Minutes
open to
inspection,
and copies
to be
furnished

20.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified
by clerk
to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official

character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. 1968, c. 115, s. 20.

21.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and who shall perform such other duties as may be assigned to him by the Regional Council.

Appoint-
ment of
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Deputy
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. 1968, c. 115, s. 21.

Acting
treasurer

22.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law of Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized. 1968, c. 115, s. 22 (1).

Receipt and
disburse-
ment
of money

(2) Notwithstanding subsection 1, the Regional Council may by by-law designate one or more persons to sign cheques in lieu of the treasurer and may by by-law provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written, stamped, lithographed or engraved on cheques. 1968-69, c. 108, s. 5.

Signing of
cheques

(3) The Regional Council may by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

Petty cash
fund

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed.

Member of
Council,
when
he may be
paid for
work

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. 1968, c. 115, s. 22 (3-5).

Treasurer's
liability
limited

23. Subject to subsection 3 of section 22, the treasurer shall,

Bank
accounts

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 22, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. 1968, c. 115, s. 23.

Monthly
statement
by treasurer

24.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. 1968, c. 115, s. 24.

Appoint-
ment of
auditors

25.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the

Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Department.

(5) The Regional Council may provide that all accounts shall be audited before payment. 1968, c. 115, s. 25.

Audit of
accounts
before
payment

26.—(1) Sections 217, 223, 224, 229, 231, 233 and 235, subsections 4 and 5 of section 237, sections 238, 239, 245 and 250, and paragraphs 35, 63, 64, 65, 66 and 67 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. 1968, c. 115, s. 26 (1); 1968-69, c. 108, s. 6.

Application
of R.S.O.
1970, c. 284

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by an area municipality or local board thereof or by the former County of Carleton, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force in respect of the employee if such employee was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership in the Ontario Municipal Employees Retirement System. Pensions

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by an area municipality or a local board thereof, the employee, if he elects in writing, shall be deemed to remain an employee of the area municipality or a local board thereof for the purposes of a supplementary agreement under *The Ontario Municipal Employees Retirement System Act* or any approved pension plan of such area municipality or local board thereof to which the employee was entitled to make contributions and his employment by and service with the Regional Corporation or a local board thereof shall be considered by the respective area municipality or local board thereof to be employment by and service with such area municipality or local board thereof for the purposes of determining eligibility for any accrued benefits under the supplementary agreement, or the approved pension plan of the area municipality or local board thereof. Idem

R.S.O. 1970,
c. 324

(4) On the election of the employee under subsection 3, the Regional Corporation or local board thereof shall deduct from the remuneration of the employee the amount required in accordance with the provisions of the supplementary agreement or the approved pension plan of the area municipality or local board thereof and shall pay in instalments to such area municipality or local board the amount so deducted together with the future service contributions payable under the supplementary agreement or the plan by the area municipality or local board. Idem

Sick leave
credits

(5) Where the Regional Corporation or local board thereof employs a person theretofore employed by an area municipality or local board thereof or by the former County of Carleton or a local board thereof or a suburban roads commission, the employee shall be deemed to remain an employee of the area municipality or local board thereof or of the former County of Carleton for the purposes of any sick leave credit plan of the area municipality, local board thereof or the former County of Carleton until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the area municipality or local board thereof or the former County of Carleton.

Holiday
provisions

(6) Where the Regional Corporation or local board thereof employs a person theretofore employed by an area municipality or local board thereof or by the former County of Carleton or a local board thereof or a suburban roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the area municipality or local board thereof or the former County of Carleton.

Offer of
continua-
tion of
employment

(7) The Regional Council shall offer to employ every person who, on the 1st day of May, 1968, is employed by the County of Carleton or by any suburban roads commission or health unit in the County of Carleton or in any undertaking of any area municipality or local board that is assumed by the Regional Corporation under this Act.

Guarantee
of salary

(8) Any person who accepts employment under subsection 7 shall be guaranteed a salary not less than he was receiving on the 1st day of April, 1968, irrespective of any retroactive salary increases, and such salary shall be guaranteed up to and including the 31st day of December, 1969.

Applica-
tion of
R.S.O. 1970,
c. 324

(9) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act* and a person who was employed by an area municipality or a local board thereof or by a county or by a suburban roads commission or health unit before the 1st day of May, 1968, and who is employed by the Regional Corporation or a local board thereof without intervening employment shall not be deemed to be a person who enters the employ of an employer within the meaning of clause a of subsection 1 of section 8 of *The Ontario Municipal Employees Retirement System Act*. 1968, c. 115, s. 26 (2-9).

PART II

REGIONAL WATERWORKS

27.—(1) On and after the first day of January, 1969, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area and shall have all the powers conferred upon a municipality under any Act for the supply and distribution of water, except the power to establish a public utilities commission.

Deemed municipality for supply and distribution of water

(2) On and after the first day of January, 1969, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water.

Area municipalities, no power to supply and distribute water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water in the Regional Area by any area municipality is vested in the Regional Corporation effective the 1st day of January, 1969, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of property in Regional Corporation

(4) The Regional Council shall pay to the corporation of any area municipality all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection 3, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

Payments of principal and interest to area municipalities

R.S.O. 1970, c. 255

(5) If the Regional Corporation fails to make any payment as required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Interest to be charged by area municipality

(6) Sections 2, 4, 5, 13, 28, 31, 32, 33, 52, 53, 54 and 56 of *The Public Utilities Act* apply *mutatis mutandis* to the Regional Corporation. 1968, c. 115, s. 39 (1-6).

Application of R.S.O. 1970, c. 390

PART III

REGIONAL SEWAGE WORKS

28.—(1) In this Part,

(a) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;

Interpretation

- (b) "land drainage" means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (c) "sewage" means domestic sewage or industrial wastes, or both;
- (d) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (e) "sewer" means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage, or both, and includes land appropriated for such purposes and uses;
- (h) "work" means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

Idem

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council. 1968, c. 115, s. 40.

General powers

29. For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon an area municipality or local board thereof. 1968, c. 115, s. 41.

Construction, etc., of trunk sewage works

30. The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses. 1968, c. 115, s. 42.

Assumption of treatment works

31.—(1) The Regional Council shall, before the 1st day of December, 1968, pass by-laws which shall be effective on the 1st day of January, 1969, assuming as regional sewage works all treatment works vested in each area municipality or any local board thereof, and on the day any such by-law becomes effective the works designated therein vest in the Regional Corporation.

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1969. Other works

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed. Idem

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 1st day of December, 1968, and in that case the by-law becomes effective on the date provided therein. Extension of time

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board, Regional liability

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1970 c. 255

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. 1968, c. 115, s. 43. Settling of doubts

32.—(1) Where an area municipality or a local board thereof has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the receiving municipality or local board is relieved of all liability thereunder. Existing agreements

(2) Where an area municipality or a local board thereof has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or Idem

required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board is relieved of all liability thereunder.

Termination

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. 1968, c. 115, s. 44.

Powers
of area
municipalities
restricted

33.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council.

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 1st day of December, 1968 without the approval of the Regional Council. 1968, c. 115, s. 45.

Regulation
of system
etc.

34. The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal. 1968, c. 115, s. 46.

Special
benefit

35.—(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, in authorizing the construction, extension or improvement of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Debenture
payments

(2) Where debentures are issued for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debentures proportionate to its share of the capital cost as set out in the by-law in the same manner as if debentures for such share had been issued by the Regional Corporation for the purposes of the area municipality. 1968, c. 115, s. 47 (1, 2).

(3) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work, a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work. 1968, c. 115, s. 47 (3); 1968-69, c. 108, s. 8.

Raising of money by area municipality
R.S.O. 1970, c. 284

36.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council.

Connection to regional works or water-courses

(2) The Regional Corporation may enter into a contract with any local municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Agreements with other municipalities

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse. 1968, c. 115, s. 48.

Inspection

37.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Standards for local systems

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council. 1968, c. 115, s. 49.

Approval of local extensions, etc.

38. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

Appeal

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;

- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. 1968, c. 115, s. 50.

Special
sewage
service
rates

39.—(1) The Regional Council may pass by-laws, subject to the approval of the Municipal Board, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works.

Idem

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council. 1968, c. 115, s. 51 (1, 2).

Raising
of money
by area
municipi-
pality
R.S.O. 1970,
c. 284

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 362 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. 1968, c. 115, s. 51; 1968-69, c. 108, s. 9.

Contribu-
tion towards
cost of
separation
of combined
sewers

40. The Regional Council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality such amount as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality. 1968, c. 115, s. 52.

Transfer
of rights
over works
assumed

41. The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed. 1968, c. 115, s. 53.

Inspection
of local
works

42. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all

plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. 1968, c. 115, s. 54.

43. Any works assumed by the Regional Corporation under the authority of section 31, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 36, from any local municipality outside the Regional Area. 1968, c. 115, s. 55.

Use of
regional
works

PART IV

REGIONAL ROAD SYSTEM

44. In this Part,

Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway. 1968, c. 115, s. 57.

45.—(1) Subject to the approval of the Lieutenant Governor in Council, the Regional Council shall by by-law establish a regional road system in the Regional Area by assuming roads in any area municipality and may include in the system such boundary line roads or portions thereof between the Regional Area and an adjoining county as may be agreed upon between the Regional Council and the council of such county, and the by-law shall designate the roads to be assumed as regional roads and intended to form the regional road system.

Establish-
ment of
regional
road
system

(2) The by-law shall be passed not later than the 31st day of October, 1968, and shall come into force on the 1st day of January, 1969.

Time for
passing;
effective
date

(3) The Regional Corporation shall submit the by-law to the Minister for approval by the Lieutenant Governor in Council on or before the 31st day of October, 1968.

Submission
of by-law
for approval

(4) The Lieutenant Governor in Council may approve the by-law in whole or in part and where the by-law is approved in part only it shall be enforced and take effect so far as approved,

Approval or
amendment

but it is not necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any portion thereof that has not been so approved.

Amendment
of by-law

(5) Subject to the approval of the Lieutenant Governor in Council, the Regional Council may amend the by-law from time to time by adding roads to or removing roads from the regional road system or in any other manner.

Regional
roads
vested in
Regional
Corporation

(6) Where a road or a part thereof is added to the regional road system, jurisdiction and control and the soil and freehold of such road or part is thereupon vested in the Regional Corporation.

Roads
removed
from
system

(7) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped up pursuant to section 55, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the local municipality in which it is situate, and the local municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of the roads assumed by the local municipality.

Consolidat-
ing by-law

(8) Subject to the approval of the Lieutenant Governor in Council, the Regional Corporation shall, on or before the 31st day of October, 1973, pass a by-law consolidating all by-laws relating to the regional road system and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Existing
county
roads
in area

(9) Unless assumed as a regional road by the by-law mentioned in subsection 1, all roads within the Regional Area or on the boundary between the Regional Area and an adjoining county that, on the 31st day of December, 1968,

(a) form part of the county road system of the County of Carleton; or

(b) lie within the Township of Cumberland and form part of the county road system of the United Counties,

R.S.O. 1960,
c. 171

established under *The Highway Improvement Act* shall, on the 1st day of January, 1969, revert or be transferred to and vest in and be under the jurisdiction and control of the corporations of the area municipalities in which they are situate. 1968, c. 115, s. 58.

Plan of
construc-
tion and
mainten-
ance

46.—(1) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Submission
of by-law
covering
estimated
expenditure

(2) The Regional Corporation shall submit a by-law covering the estimated expenditure on regional roads for the calendar year to the Department for the Minister's approval, not later than the 31st day of March of the year in which the expenditure is to be made.

(3) The Regional Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on regional roads supplementing the by-law submitted under subsection 1.

Supplementary
by-law

(4) No subsidy shall be granted by the Department for work undertaken by the Regional Corporation that has not been provided for by a by-law duly approved by the Minister. 1968, c. 115, s. 59.

Subsidy

47.—(1) The Regional Council shall annually, and may, with the consent of the Minister at any time during the progress of its work in connection with the regional road system, submit to the Minister,

Annual
statement
to Minister

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the engineer or other officer of the Regional Corporation who is charged with the responsibility of directing and supervising the work that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the Regional Corporation that the statement of receipts and expenditures is correct; and
- (d) a petition for the payment of the grant, authorized by resolution of the Regional Council.

(2) Upon receipt of the statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the Regional Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Payment to
Regional
Corporation

(3) Notwithstanding subsection 2 but subject to section 46, the Minister may, in his discretion, direct payment to the Regional Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

Advance
payments

- (a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or
- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

Payment
for road
improve-
ment

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the regional road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the Regional Corporation, direct payment to the treasurer of the Regional Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. 1968, c. 115, s. 60.

Contribu-
tions
towards
expenditures

48. Where a contribution has been made from any source whatsoever towards an expenditure to which section 47 applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1968, c. 115, s. 61.

Expenditure
for con-
struction,
main-
tenance or
repair

49. The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Council, and in all cases the Minister shall determine the amount of the expenditure for construction or maintenance or for the purchase or maintenance of road machinery, plant and equipment that is properly chargeable to road improvement, and his decision is final. 1968, c. 115, s. 62.

Powers
over roads
assumed

50. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Carleton or The Corporation of the United Counties or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any suburban roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of Carleton or the United Counties or the area municipality or municipalities, as the case may be, might have done if the roads had not been assumed as regional roads. 1968, c. 115, s. 63.

Sidewalks
excepted

51.—(1) The Regional Corporation is not by reason of assuming a road under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to

the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction. R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road but no such work shall be undertaken by a municipal corporation or any individual or company without first obtaining the approval of the Regional Council expressed by resolution. Area municipalities
may
construct
sidewalks,
etc.

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken as a local improvement under *The Local Improvement Act*. How cost
provided

R.S.O. 1970,
c. 255

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road. Area municipality to
conform
to requirements
and be responsible
for damages

(5) Subsection 4 of section 97 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. 1968, c. 115, s. 64. R.S.O. 1970,
c. 201,
s. 97,
subs. 4,
not to apply

52. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road intersected, is a part of the regional road system. 1968, c. 115, s. 65. Intersection
of other
roads by
regional
road

53. When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. 1968, c. 115, s. 66. Dedication
of lands
abutting
regional
roads for
widening
purposes

54. Subject to the approval of the Lieutenant Governor in Council, the Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 45 by assuming such new roads as part of the regional road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*. 1968, c. 115, s. 67. New roads

55. With respect to the regional roads, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under *The* Powers and
liabilities of
Regional
Corporation

R.S.O. 1970,
cc. 284, 202

Municipal Act, The Highway Traffic Act and any other Act with respect to highways. 1968, c. 115, s. 68.

Use of
untravelled
portions of
regional
roads for
parking

56. The Regional Council may by by-law empower the council of any area municipality to lease or license the use of untravelled surface portions of regional roads within those portions of the area municipality zoned for commercial or industrial purposes to the owners or occupants of property abutting on such roads to be used solely for the parking of vehicles. 1968, c. 115, s. 69.

Agreements
for
pedestrian
walks

57. The Regional Corporation may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. 1968, c. 115, s. 70.

Disputes
as to
main-
tenance, etc.,
of bridges
and
highways

58.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining county where such bridge or highway is included in the regional road system and in the county road system of the county.

Idem

(2) When there is a difference between the Regional Council and the council of a county in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing, or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the county are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the county.

Hearing by
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it considers just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Muni-

pal Board may determine, and is final and conclusive. 1968, c. 115, s. 71.

59. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1968, c. 115, s. 72.

Boundary
bridges
R.S.O. 1970,
c. 284

60. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining county, and the councils of the area municipality and the local municipality in the adjoining county on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1968, c. 115, s. 73.

Idem

61.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

Restrictions
R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other respects the by-law passed by the council of the area municipality remains in full force and effect. 1968, c. 115, s. 74.

Conflict
with local
by-law

62.—(1) Subject to the approval of the Municipal Board, the Regional Corporation may by by-law designate any regional road, or any portion thereof, as a regional controlled-access road.

Controlled-
access
roads

(2) Subject to the approval of the Municipal Board, the Regional Corporation may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Closing
municipal
roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Notice of
application
for approval
for closing
road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval

Order of
O.M.B.

upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made. 1968, c. 115, s. 75.

Idem

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it considers proper and may fix the amount of such costs.

Appeal

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court considers just.

Practice and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same *mutatis mutandis* as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1970,
c. 323, s. 95,
not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section. 1968-69, c. 108, s. 10.

Private
roads, etc.,
opening
upon
regional
controlled-
access
road

63.—(1) The Regional Corporation may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, gate or other structure or facility as a means of access to a regional controlled-access road and may impose penalties for contravention of any such by-law.

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, gate or other structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1.

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof.

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Corporation may by resolution direct any officer, employee or agent of the municipality to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, gate or other structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. 1968, c. 115, s. 76.

64.—(1) Where the Regional Corporation assumes as a regional road any road in an area municipality, other than a road mentioned in subsection 9 of section 45,

(a) no compensation or damages shall be payable to the area municipality in which it was vested;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

(2) If the Regional Corporation fails to make any payment as required by clause b of subsection 1, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road assumed, the Municipal Board, upon application, may determine the matter and its decision is final. 1968, c. 115, s. 77.

Stopping up
highways

65.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the clerk of the Regional Council by registered mail.

Agreement

(2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within twenty-one days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. 1968, c. 115, s. 78 (1, 2).

R.S.O. 1970,
c. 284, s. 443,
subs. 6,
not to apply

(3) Subsection 6 of section 443 of *The Municipal Act* does not apply to such stopping up. 1968-69, c. 108, s. 11.

Appoint-
ment of
roads com-
missioner
R.S.O. 1970,
c. 366

66.—(1) The Regional Council shall by by-law appoint a Regional Roads Commissioner, who shall be a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional road system.

Dismissal

(2) The Regional Roads Commissioner shall not be dismissed from office except after a hearing by the Regional Council if so requested by the Commissioner. 1968, c. 115, s. 79.

Applica-
tion of
R.S.O. 1970,
c. 201

67. Sections 92, 94, 96, 99 and 102 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any regional road. 1968, c. 115, s. 80.

PART V

PLANNING

Planning
area
R.S.O. 1970,
c. 349

68.—(1) On and after the 1st day of January, 1969, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Ottawa-Carleton Planning Area.

Designated
muni-
cipal-
ity

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Ottawa-Carleton Planning Area. 1968, c. 115, s. 82 (1, 2).

Dissolution
of existing
joint area
and board

(3) On the 1st day of January, 1969, the planning area heretofore constituted under *The Planning Act* and consisting of the cities of Ottawa and Vanier, the Village of Rockcliffe Park and the townships of Fitzroy, Gloucester, March, Nepean and Torbolton, and the planning board thereof, are dissolved. 1968, c. 115, s. 82 (3), *amended*.

(4) Subject to subsection 3, all planning areas and subsidiary planning areas established before the 15th day of June, 1968, that are included in the Ottawa-Carleton Planning Area are subsidiary planning areas within the Ottawa-Carleton Planning Area.

Subsidiary
planning
areas

(5) The City of Ottawa is constituted a subsidiary planning area effective the 1st day of January, 1969.

Idem

(6) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

Proviso

(7) When the Minister has approved an official plan adopted by the Regional Council,

Effect of
official plan

- (a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith;
- (b) no official plan of a subsidiary planning area shall be approved that does not conform therewith. 1968, c. 115, s. 82 (4-7).

R.S.O. 1970,
c. 349

69.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Ottawa-Carleton Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Planning Area, and without limiting the generality of the foregoing it shall,

Planning
duties of
Regional
Council

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Planning Area in determining the solution of problems or matters affecting the development of the Planning Area; and
- (c) consult with any local board having jurisdiction within the Planning Area.

(2) The Regional Council, before the 31st day of December, 1972, shall prepare an official plan for the Regional Area.

Official
plan

(3) The Regional Council shall appoint a Planning Director and such other staff as may be considered necessary.

Appoint-
ment of
Planning
Director

(4) The Regional Council may appoint such planning committees as it considers necessary.

Appoint-
ment of
committees

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

Regional
Corporation
deemed
municipality under
R.S.O. 1970,
c. 349

Idem (6) The Regional Council shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.

Agreements re plans of subdivision (7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision. 1968, c. 115, s. 83 (1-7).

Agreements re special studies (8) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute, for the carrying out of studies relating to the Ottawa-Carleton Planning Area or any part thereof.

Delegation of Minister's powers (9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. 1968, c. 115, s. 83 (9, 10).

Application of R.S.O. 1970, c. 349 **70.** Except as provided in this Part, the provisions of *The Planning Act* continue to apply. 1968, c. 115, s. 84.

PART VI

HEALTH AND WELFARE SERVICES

Liability for hospitalization of indigents R.S.O. 1970, cc. 378, 361 **71.** The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and sections 24 and 25 of *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions. 1968, c. 115, s. 86 (1).

Liability for burials under R.S.O. 1970, c. 21 **72.** The Regional Corporation shall repay to each area municipality any expenses incurred after the 31st day of December, 1968, by the area municipality for the interment of dead bodies required to be interred by the area municipality under *The Anatomy Act*. 1968, c. 115, s. 87.

Regional Corporation liability under R.S.O. 1970, c. 270 **73.** The Regional Corporation is liable for all costs and expenses incurred after the 31st day of December, 1968, under section 16 of *The Mental Hospitals Act* in respect of the Regional Area and subsections 3 and 4 thereof apply *mutatis mutandis* to the Regional Corporation, and no area municipality is liable for such costs and expenses. 1968, c. 115, s. 88.

74.—(1) The Regional Corporation is liable for the hospitalization or burial, after the 31st day of December, 1968, of an indigent person or his dependant who was in hospital on the 31st day of December, 1968, and in respect of whom any area municipality, the County of Carleton, or the United Counties was liable because the indigent person was a resident of an area municipality, the County of Carleton, or the Township of Cumberland.

Existing
liabilities
transferred

(2) Nothing in subsection 1 relieves any area municipality or the United Counties from any liability in respect of hospitalization or burials before the 1st day of January, 1969. 1968, c. 115, s. 89 (1, 2).

Proviso

75. The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipment or carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the Regional Area and may issue debentures therefor. 1968, c. 115, s. 90.

Aid to
hospitals

76.—(1) On and after the 1st day of January, 1969, the Regional Area shall be deemed to be a health unit incorporated under *The Public Health Act* and, subject to this Part, the provisions of such Act shall apply.

Regional
Area
deemed
to be
health unit
R.S.O. 1970,
c. 377

(2) All local boards of health in the area municipalities and the County of Carleton are dissolved on the 1st day of January, 1969, and all assets and liabilities of such boards become assets and liabilities of the board of health of the health unit.

Dissolution
of local
health
boards

(3) On the 1st day of January, 1969, the Township of Cumberland is separated from the health unit of the United Counties.

Separation
of Town-
ship of
Cumber-
land

(4) Notwithstanding the provisions of any other Act, the boundaries of the health unit established by subsection 1 shall not be altered except by order of the Minister of Health. 1968, c. 115, s. 91.

Boundaries
fixed

77.—(1) The board of health of the health unit established under section 76 shall be composed of,

Constitu-
tion of
health
board

- (a) not more than six members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health. 1968, c. 115, s. 92 (1).

(2) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties. 1968-69, c. 108, s. 15.

Remunera-
tion of
certain
members

Expenses of
board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation. 1968, c. 115, s. 92 (2).

Repayment
by
Regional
Corporation

R.S.O. 1970,
c. 422

78.—(1) Where an area municipality repays to another local municipality expenses incurred by that other local municipality for post-sanatorium care furnished after the 31st day of December, 1968, under subsection 5 of section 37 of *The Sanatoria for Consumptives Act*, the Regional Corporation shall repay such expenses to the area municipality.

Burial of
indigents
dying in
sanatorium

(2) The Regional Corporation shall repay to each area municipality any expenses incurred by the area municipality for burials after the 31st day of December, 1968, under section 38 of *The Sanatoria for Consumptives Act*, subject to the limitations set out in that section.

Time for
payment

(3) Payment under subsections 1 and 2 shall be made quarterly by the Regional Corporation upon receipt from the area municipality of detailed accounts in respect of the quarter, together with such information as the Regional Council may require.

Rights of
recourse

(4) Where the Regional Corporation has repaid to an area municipality the expenses of the burial of a deceased patient under subsection 2, the Regional Corporation, in lieu of the area municipality, has the rights of recourse provided for in sections 40 and 41 of *The Sanatoria for Consumptives Act*. 1968, c. 115, s. 93.

Liability
respecting
home for
aged

R.S.O. 1970,
c. 206

79.—(1) The Regional Corporation shall be deemed to be a city for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under that Act.

Admission
to home
for aged

(2) Section 16 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home except that,

- (a) the authorization in the prescribed form referred to in clause *e* of subsection 1 of such section 16 shall be signed by the chairman or by such other person or persons as may be designated by resolution of the Regional Council; and
- (b) the statement in the prescribed form referred to in clause *h* of subsection 1 of such section 16 shall be signed by the welfare officer of the Regional Corporation. 1968, c. 115, s. 94.

80.—(1) The home for the aged established, erected and maintained by The Corporation of the City of Ottawa, known as Island Lodge and Geriatric Centre, and all real and personal property used for the purposes of such home, are vested in the Regional Corporation on the 1st day of January, 1969, and, subject to subsection 2, no compensation or damages shall be payable to the City in respect thereof.

Ottawa home for aged vested in Regional Corporation

(2) The Regional Corporation shall pay to The Corporation of the City of Ottawa before the due date all amounts of principal and interest becoming due upon any outstanding debt of the City in respect of such home for the aged.

Existing debt

(3) If the Regional Corporation fails to make any payment as required by subsection 2, The Corporation of the City of Ottawa may charge the Regional Corporation interest at the rate of one half of 1 per cent for each month or fraction thereof that the payment is overdue.

Default

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of such home for the aged, the Municipal Board, upon application, may determine the matter and its decision is final. 1968, c. 115, s. 95.

Settling of doubts

81.—(1) The Regional Corporation shall pay to the United Counties the cost of maintenance in the United Counties' home for the aged, incurred after the 31st day of December, 1968, of every resident of that home who was admitted thereto due to residence in an area municipality.

Residents of United Counties' home for aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. 1968, c. 115, s. 96.

Amount of maintenance payment

82.—(1) No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act* and the Regional Corporation shall be deemed to be a metropolitan municipality for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act.

Regional Corporation deemed metro-politan municipality under R.S.O. 1970, c. 64

(2) The Regional Corporation shall pay to the United Counties the cost of child care incurred by the United Counties on or after the 1st day of January, 1969, in respect of children taken into care in the Township of Cumberland by The Children's Aid Society of the United Counties on or before the 31st day of December, 1968, and the amount so payable shall be determined in the same manner as if such amount was determined in accordance with section 88 of *The Child Welfare Act, 1965*. 1968, c. 115, s. 97.

Liability of Regional Corporation to United Counties 1965, c. 14

Liability
under order
made under
R.S.C. 1952,
c. 160

83. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. 1968, c. 115, s. 98.

Existing
liabilities
transferred
1965, c. 14

84. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1969, by any area municipality under section 88 of *The Child Welfare Act, 1965*, and is entitled to recover the amounts payable to any area municipality on or after that date under that section. 1968, c. 115, s. 99.

Liability of
Regional
Corporation
under
R.S.O. 1970,
c. 192

85. On and after the 1st day of January, 1969, the Regional Corporation shall be deemed to be a city for the purposes of *The General Welfare Assistance Act*, and no area municipality shall be deemed to be a municipality for the purposes of such Act, except section 2 thereof. 1968, c. 115, s. 100.

Liability of
Regional
Corporation
under
R.S.O. 1970,
cc. 203, 104

86.—(1) On and after the 1st day of January, 1969, the Regional Corporation shall be deemed to be a city for the purposes of *The Homemakers and Nurses Services Act* and *The Day Nurseries Act* and no area municipality shall be deemed to be a municipality for the purposes of such Acts.

Services
to be
supplied on
request of
area muni-
cipality

(2) Notwithstanding subsection 1, the Regional Council shall not provide services under the Acts mentioned in subsection 1 except in those area municipalities requesting such services, and such municipalities shall pay the cost thereof in the manner determined by the Regional Council. 1968, c. 115, s. 101.

Information

87. Every area municipality and every officer or employee thereof shall, at the request of the clerk of the Regional Corporation, furnish forthwith to such clerk any information he may require for the purposes of *The Homes for the Aged and Rest Homes Act* and *The Child Welfare Act*. 1968, c. 115, s. 102.

R.S.O. 1970,
cc. 206, 64

Adjust-
ments

88. In the event that there is any doubt as to whether the Regional Corporation is liable under section 74, subsection 1 of section 81, subsection 2 of section 82 or section 83 in respect of the liabilities imposed therein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. 1968, c. 115, s. 103.

PART VII

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

89. In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*. 1968, c. 115, s. 105.

90. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. 1968, c. 115, s. 106.

Investment of moneys not immediately required
R.S.O. 1970, c. 284

YEARLY ESTIMATES AND LEVIES

91.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

Yearly estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve but shall not make any allowance for payments to be received during the current year under *The Municipal Unconditional Grants Act*. 1968, c. 115, s. 107.

Allowance to be made in estimates

R.S.O. 1970, c. 293

92.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

Levy on area municipalities

- (a) for payment of the estimated current annual expenditures as adopted;
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Apportionment

(3) All amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Idem

(4) The Department shall for the purposes of this Act in the years 1969, 1970 and 1971 revise and equalize, by the application of the latest equalization factors of the Department, the last revised assessment rolls of the area municipalities as returned in the years 1968, 1969 and 1970 respectively, and, for the purpose of

Equalized assessment 1969-1971

subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to
Regional
Corporation
and area
municipi-
pality

(5) Upon completion by the Department of the equalized assessment reports, the Department shall mail a copy thereof to the Regional Corporation and to each of the area municipalities.

Appeal

(6) If any area municipality is not satisfied with the last revised assessment as equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the mailing of the equalized assessment report to the area municipality by the Department.

Idem

(7) Every report of an equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such equalization.

Amend-
ment of
by-law
where
necessary
following
appeal

(8) Where in the years 1969, 1970 and 1971 the last revised assessment rolls of the area municipality have been revised and equalized by the Department and have been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessment rolls as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay to the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assess-
ments, etc.,
not to apply

R.S.O. 1970,
c. 32

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

(10) Notwithstanding anything in this section, the assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid

(11) The clerk of an area municipality shall transmit to the clerk of the Regional Corporation, within sixty days of the receipt of a grant paid in lieu of taxes, a statement of the valuations as equalized of real property in the area municipality upon which such grant was made.

Valuations of properties in respect of which grants in lieu of taxes received

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council considers expedient.

Levy by-laws

(13) The clerk of the Regional Corporation shall forthwith after the regional levies have been apportioned certify to the clerk of each area municipality the amount that has been so directed to be levied therein for the then current year for regional purposes.

Certificate of levy

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purposes within such area municipality according to the last revised assessment roll thereof.

Local levies for regional purposes
R.S.O. 1970, c. 32

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Payment

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. 1968, c. 115, s. 108.

Default

93.—(1) Notwithstanding section 92, the Regional Council may, in any year before the adoption of the estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and in 1969 not more than 25 per cent of the levies made by the local municipality in the year 1968 for general municipal purposes, and subsections 15 and 16 of section 92 apply to such a levy.

Levy authorized before estimates adopted

Levy under
s. 92
to be
reduced

(2) The amount of any levy made under subsection 1 shall be deducted from the amount of the levy made under section 92. 1968, c. 115, s. 109.

RESERVE FUNDS

Reserve
funds

94.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments
and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1970,
c. 470

Expenditure
of reserve
fund
moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Auditor to
report on
reserve
funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. 1968, c. 115, s. 111.

TEMPORARY LOANS

Current
borrowings

95.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary
application
of estimates
of preceding
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year,

provided that in the year 1969 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Execution of promissory notes

(6) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Creation of charge

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Execution of agreements

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalties for excess borrowings

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for misapplication of revenues by Regional Council

(10) If any member of the Regional Council or officer of the Regional Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for misapplication of revenues by officials

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of Part III of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. 1968, c. 115, s. 112.

Saving as to penalties

R.S.O. 1970, c. 118

DEBT

Debt
R.S.O. 1970,
c. 323

96.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves. 1968, c. 115, s. 113 (1, 2).

Limitation;
exception

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1968, power to issue debentures, except that the City of Ottawa, the City of Vanier and the Village of Rockcliffe Park may, with the approval of the Municipal Board, issue debentures for school purposes during the year 1969. 1968, c. 115, s. 113 (3); 1968-69, c. 108, s. 16.

Uncom-
pleted
works

(4) When an area municipality, prior to the 31st day of December, 1968,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*, being chapter 274 of the Revised Statutes of Ontario, 1960; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 99, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*. 1968, c. 115, s. 113.

Bonds,
debentures,
etc.,
trustee
investments
R.S.O. 1970,
c. 470

97.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 96 of this Act and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Power to
incur debt
or issue
debentures
R.S.O. 1970,
c. 323

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Idem

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*. 1968, c. 115, s. 114.

Proviso

98.—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the Regional Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

Hearing

(2) Notice of the hearing shall be given to the clerk of the Regional Corporation and to the clerk of each area municipality in such manner as the Municipal Board may direct.

Notice

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation.

Dispensa-
tion with
hearing

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Regional Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing. 1968, c. 115, s. 115.

Idem

99.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the

Borrowing
pending
and
sale of
debentures

issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem (2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on proceeds transferred (3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application of proceeds of loan (4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 111, shall be transferred to the area municipality.

Hypothecation not to prevent subsequent sale of debentures (5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. 1968, c. 115, s. 116.

Principal and interest payments **100.**—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund debentures (2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable (3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made

payable within such term of years as the Municipal Board may approve.

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

Special
levy against
area muni-
cipalities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

General
levy

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Levy by
area muni-
cipalities

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

Levies a
debt

(8) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or vice versa and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

By-law
to change
mode of
issuing
debentures

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Debentures
when to be
dated and
issued

- Date of debentures (10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.
- Idem (11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.
- Extension of time for issue (12) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.
- Application after time expired (13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.
- Effective date (14) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.
- Consolidation (15) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.
- Consolidating debenture by-laws R.S.O. 1970, c. 284 (16) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.
- Redemption before maturity (17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:
1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
 2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
 3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.

4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(18) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable, Currency

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

(19) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary. Annual rates

(20) When sinking fund debentures are issued the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding $3\frac{1}{2}$ per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. Principal levies

Consolidated bank accounts

(21) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking fund committee

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

Alternate members

(23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(24) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

R.S.O. 1970,
c. 284

Quorum

(26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of sinking fund assets

(27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals from bank accounts

(28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

(29) The sinking fund committee shall invest any moneys on Investments
deposit from time to time in the consolidated bank accounts and
may at any time or times vary any investments.

(30) The moneys in the consolidated bank accounts shall be Idem
invested in one or more of the following forms,

- (a) in securities in which a trustee may invest under *The Trustee Act*;

R.S.O. 1970,
c. 470
- (b) in debentures of the Regional Corporation;
- (c) in temporary advances to the Regional Corporation
pending the issue and sale of any debentures of the
Regional Corporation;
- (d) in temporary loans to the Regional Corporation for
current expenditures, but no loan for such purpose shall
be made for a period ending after the end of the calendar
year in which the loan is made.

(31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Deposit of
Treasurer of Ontario. securities
with
Treasurer

(32) The Treasurer of Ontario shall release, deliver or other- Release of
wise dispose of any security deposited with him under subsection securities
31 only upon the direction in writing of the sinking fund by
committee. Treasurer

(33) All sinking fund debentures issued on the same date, Sinking
payable in the same currency, and maturing on the same date, fund
notwithstanding they are issued under one or more by-laws, shall accounts
be deemed one debt and be represented by one sinking fund
account.

(34) That proportion of the amount of all earnings in any year, Earnings
on an accrual basis, from sinking fund investments, obtained by, credited to
sinking
fund
account

- (a) multiplying the amount of all such earnings by the
amount of the capitalized interest for that year under
subsection 20 with respect to the principal raised up to
and including such year for all sinking fund debentures
represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the
amount of all capitalized interest for that year under
subsection 20 with respect to all principal raised up to
and including such year for all outstanding sinking fund
debentures,

shall be credited to the sinking fund account, mentioned in
clause *a*.

(35) The treasurer of the Regional Corporation shall prepare Sinking
and lay before the Regional Council in each year, before the fund
annual regional levies are made, a statement showing the sums require-
ments

that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(36) If the treasurer of the Regional Corporation contravenes subsection 21 or 35, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure to levy

(37) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where amount in sinking fund account more than sufficient to pay debt

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion of sinking funds

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40. 1968, c. 115, s. 117.

Deficit and
surplus

101.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

When rate
of interest
may be
varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 99 shall not constitute a sale or other disposal thereof.

Hypotheca-
tion not a
sale under
this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consol-
idation of
debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. 1968, c. 115, s. 118.

Special
assessment
and levies

Repeal of
by-law
when
part only of
money to be
raised

102.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When
to take
effect

(2) The repealing by-law shall recite the facts on which it is founded, shall be appointed to take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 1968, c. 115, s. 119.

Until
debt paid
certain
by-laws
cannot be
repealed

103.—(1) Subject to section 102, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. 1968, c. 115, s. 120.

Offence for
neglect of
officer to
carry out
by-law

104. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. 1968, c. 115, s. 121.

Money
by-laws
may be
registered

105.—(1) Within four weeks after the passing of a money by-law, the clerk of the Regional Corporation may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the Registry Office for the Registry Division of the City of Ottawa.

Application
to quash
registered
by-law,
when to be
made
R.S.O. 1970,
c. 323

R.S.O. 1970,
cc. 136, 255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act* or *The Local Improvement Act*, and in the case of

other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when
by-law
to be
valid and
binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Quashing
part of
by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Dismissal of
application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 97, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 100 have not been substantially complied with.

Illegal
by-laws not
validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. 1968, c. 115, s. 122.

Failure to
register

106.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Debentures,
how sealed
and
executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Interest
coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or other-

Mechanical
repro-
duction of
signatures

wise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
repro-
duction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency
of
signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. 1968, c. 115, s. 123.

Debentures
on which
payment
has been
made for
one year to
be valid

107. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. 1968, c. 115, s. 124.

Mode of
transfer
may be
prescribed

108.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it,

shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors. 1968, c. 115, s. 125.

Transfer by entry in Debenture Registry Book

109. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. 1968, c. 115, s. 126.

Replacement of lost debentures

110.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request of sinking fund committee

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debentures of same force and effect as debentures surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. 1968, c. 115, s. 127.

Debentures surrendered for exchange to be cancelled

Application
of proceeds
of
debentures

111.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. 1968, c. 115, s. 128.

Use of
proceeds
of sale
of asset
acquired
from
proceeds of
sale of
debentures

112. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 111 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied

upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold. 1968, c. 115, s. 129.

113. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. 1968, c. 115, s. 130.

Tenders for
debentures

114.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

Accounts,
how to be
kept

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. 1968, c. 115, s. 131.

Consol-
idated
interest
account

115. If in any year after paying the interest and appropriating the necessary sum in payment of the instalments there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal. 1968, c. 115, s. 132.

Application
of surplus
money

116.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability
of members

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one

Action by
ratepayer

month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disqual-
ification

(3) The members who vote for such application are disqualified from holding any municipal office for two years. 1968, c. 115, s. 133.

Refinancing
of
debentures

117. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase. 1968, c. 115, s. 134.

PART VIII

DIVISIONAL BOARDS OF EDUCATION

Interpre-
tation

118. In this Part,

- (a) "Ottawa Board" means The Ottawa Board of Education;
- (b) "Carleton Board" means The Carleton Board of Education. 1968, c. 115, s. 136.

Ottawa
school
division
established
R.S.O. 1970,
c. 425

119.—(1) On and after the 1st day of January, 1970, the City of Ottawa, the City of Vanier and the Village of Rockcliffe Park are a school division of a defined city under Part IV of *The Secondary Schools and Boards of Education Act*. 1968, c. 115, s. 137 (1); 1968-69, c. 108, s. 17 (1).

Divisional
Board

(2) There shall be a divisional board of education for such school division under the name "The Ottawa Board of Education" composed of seventeen members.

(3) Twelve members of the Ottawa Board shall be elected by a general vote of the public school electors in the school division. Election of members by public school electors

(4) Four members of the Ottawa Board shall be elected by a general vote of the separate school supporters in the City of Ottawa and the Village of Rockcliffe Park. 1968, c. 115, s. 137 (2-4). Election of members by separate school supporters

(5) One member of the Ottawa Board shall be elected by a general vote of the separate school supporters in the City of Vanier. 1968, c. 115, s. 137 (5); 1968-69, c. 108, s. 17 (2). Idem

(6) In the year 1969 and in every third year thereafter, the election of members of the Ottawa Board shall be held in each municipality in the school division at the same time and place as the election of members of the council of the municipality, and the meeting for the nomination of candidates for the Ottawa Board except candidates for the office of the member of the Ottawa Board to be elected by the separate school supporters of the City of Vanier, shall be held by the returning officer of the City of Ottawa at the same time and place as the nominations for members of the council of the City of Ottawa, and the clerk of the City of Vanier and of the Village of Rockcliffe Park, forthwith after the election, shall report the vote recorded in his municipality, except the vote in respect of the member to be elected by the separate school supporters of the City of Vanier, to the clerk of the City of Ottawa who shall prepare the final summary and announce the vote. 1968, c. 115, s. 137 (6); 1968-69, c. 108, s. 17 (3). Elections, 1969 and thereafter

(7) The members of the Ottawa Board elected under this section shall hold office for a term of three years and until their successors are elected and the new divisional board is organized. Term of office

(8) The clerk of the City of Ottawa shall call the first meeting of the Ottawa Board in the year 1970. 1968, c. 115, s. 137 (7, 8). First meeting

120.—(1) On and after the 1st day of January, 1969, the villages of Richmond and Stittsville and the townships of Cumberland, Fitzroy, Gloucester, Goulbourn, Huntley, March, Marlborough, Nepean, North Gower, Osgoode and Torbolton are a school division under Part IV of *The Secondary Schools and Boards of Education Act*. Carleton school division established
R.S.O. 1970, c. 425

(2) There shall be a divisional board of education for such school division under the name "The Carleton Board of Education" composed of eighteen members. Divisional board

(3) Fourteen members of the Carleton Board shall be elected by a general vote of the public school electors as follows, Election of members by public school electors

(a) six members to be elected by the public school electors of the Township of Nepean;

- (b) two members to be elected by the public school electors of the Township of Gloucester;
- (c) one member to be elected by the public school electors of the Township of Osgoode;
- (d) one member to be elected by the public school electors of the Township of Cumberland;
- (e) one member to be elected by the public school electors of the townships of Fitzroy and Torbolton;
- (f) one member to be elected by the public school electors of the townships of Huntley and March;
- (g) one member to be elected by the public school electors of the Township of Goulbourn and the villages of Richmond and Stittsville;
- (h) one member to be elected by the public school electors of the townships of North Gower and Marlborough.

Election of members by separate school supporters

(4) Four members of the Carleton Board shall be elected by a general vote of the separate school supporters in the school division. 1968, c. 115, s. 138.

Election of members in 1968, 1970

121.—(1) Elections for members of the Carleton Board shall be held in the years 1968 and 1970 in each municipality in the school division, and the day for polling shall be the first Monday in December in the years 1968 and 1970.

Nomination meetings in combined areas for members elected by public school electors

(2) A meeting for the nomination of candidates for the Carleton Board to be elected by the public school electors of,

- (a) the Township of Fitzroy and the Township of Torbolton shall be held by the returning officer of the Township of Fitzroy;
- (b) the Township of Huntley and the Township of March shall be held by the returning officer of the Township of March;
- (c) the Township of Goulbourn, the Village of Richmond and the Village of Stittsville shall be held by the returning officer of the Township of Goulbourn; and
- (d) the Township of North Gower and the Township of Marlborough shall be held by the returning officer of the Township of North Gower.

Nomination meeting for members elected by separate school supporters

(3) A meeting for the nomination of candidates for the Carleton Board to be elected by the separate school supporters in the school division shall be held by the returning officer of the Township of Nepean.

(4) The nomination meetings to be held under this section shall be held on the second Monday preceding the first Monday in December in the years 1968 and 1970, and the council of each municipality in which a meeting is to be held shall pass a by-law before the 1st day of November in the years 1968 and 1970, naming the place and time at which the meeting shall be held, and the clerk of the municipality shall send a copy of the by-law by registered mail to the clerk of each municipality concerned, who shall publicize the meeting in the same manner as a meeting for nominations for municipal council.

Place and
time of
meetings

(5) The clerk of each municipality in which the election is held in a combined area under subsection 3 of section 120 or in the school division under subsection 4 of section 120 shall, forthwith after the election, report the vote recorded in his municipality to the clerk of the municipality in which the nomination meeting was held who shall prepare the final summary and announce the vote.

Clerks
to report
vote

(6) The members elected in the years 1968 and 1970 shall hold office for a term of two years and until their successors are elected and the new divisional board is organized.

Term of
office

(7) The clerk of the Township of Nepean shall call the first meeting of the Carleton Board.

First
meeting

(8) Where in any municipality in a school division established under section 120 municipal elections are not normally held in the years 1968 and 1970, the council of the municipality shall provide for the election of members of the divisional board in the years 1968 and 1970, in accordance with this section in the same manner as for the election of members of council and, in such case, the divisional board, forthwith after it is organized, shall reimburse the treasurer of the municipality for the reasonable expenses incurred by the clerk or any other officer of the municipality for printing, providing ballot boxes, ballot papers, materials for marking ballots and balloting compartments, and for the transmission of packets, and reasonable fees and allowances for services rendered respecting the election, excluding the cost of preparing the voters' list. 1968, c. 115, s. 139.

Expenses
for certain
elections
to be
repaid to
municipality

122.—(1) In the year 1972 and in every third year thereafter, the election of members of the Carleton Board shall be held in each municipality in the school division at the same time and place and in the same manner as the election of members of the council of the municipality.

Elections in
1972 and
thereafter

(2) A meeting for the nomination of candidates to be elected by the public school electors of,

Nomination
meetings in
combined
areas for
members
elected by
public
school
electors

- (a) the Township of Fitzroy and the Township of Torbolton shall be held by the returning officer of the Township of Fitzroy;

- (b) the Township of Huntley and the Township of March shall be held by the returning officer of the Township of March;
- (c) the Township of Goulbourn, the Village of Richmond and the Village of Stittsville shall be held by the returning officer of the Township of Goulbourn; and
- (d) the Township of North Gower and the Township of Marlborough shall be held by the returning officer of the Township of North Gower.

Nomination
meeting for
members
elected by
separate
school
supporters

(3) A meeting for the nomination of candidates for the Carleton Board to be elected by the separate school supporters in the school division shall be held by the returning officer of the Township of Nepean.

Clerks
to report
vote

(4) The clerk of each municipality in which an election is held in a combined area under subsection 2 or in the school division under subsection 3 shall, forthwith after the election, report the vote recorded to the clerk of the municipality in which the nomination meeting was held who shall prepare the final summary and announce the vote.

Term of
office

(5) The members of the Carleton Board elected under this section shall hold office for a term of three years and until their successors are elected and the new divisional board is organized. 1968, c. 115, s. 140.

Applica-
tion of
R.S.O. 1970,
c. 425,
Part IV

123. All the provisions of Part IV of *The Secondary Schools and Boards of Education Act* that are not inconsistent with this Part apply,

- (a) to the school divisions and divisional boards of education established under this Part; and
- (b) to the public school boards, high school boards, collegiate institute boards and boards of education wholly or partly in the school divisions established under this Part,

to the same extent as if such school divisions and divisional boards of education had been established under such Part IV, except that in respect of the Ottawa Board, where reference is made to a specific year, such year shall be read as the year next following. 1968, c. 115, s. 141; 1968-69, c. 108, s. 18.

PART IX

GENERAL

Applica-
tion of
R.S.O. 1970,
c. 284

124.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254, paragraphs 3 and 24 of section 352 and section 394 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. 1968, c. 115, s. 143 (1); 1968-69, c. 108, s. 19 (1).

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be deemed to be by-laws passed by the council of a city.

Deemed city under R.S.O. 1970, c. 284

(3) Sections 10, 11 and 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Erections, annexations and amalgamations

(4) The Regional Corporation shall be deemed to be a local municipality for the purpose of paragraph 120 of subsection 1 of section 354 of *The Municipal Act*. 1968, c. 115, s. 143 (1-4).

Nuisances

(5) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Expropriations Act*. 1968, c. 115, s. 143 (5), *amended*.

Deemed municipality for R.S.O. 1970, c. 154

(6) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 1 of section 36, subsection 2 of section 37 and subsection 2 of section 51 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. 1968, c. 115, s. 143 (6).

Delegation of approvals or consents

(7) For the purposes of *The Construction Safety Act*, the Regional Corporation shall be deemed to be a county and the area municipalities, except cities, shall be deemed to be the local municipalities that form part of the county for municipal purposes. 1968-69, c. 108, s. 19 (2).

Regional Corporation deemed county for purposes of R.S.O. 1970, c. 81

125.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

Emergency measures, civil defence

and, when a by-law passed under this subsection is in force in the Regional Area, any by-law passed by the council of an area municipality under subclauses ii and iii of clause b of section 353 of *The Municipal Act* has no effect.

(2) When a by-law passed under clause a of subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board

Powers of Regional Council re emergency measures

concerned, for appointing heads of departments and alternates to be members of the emergency measures organization or any committee thereof;

- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their functions under the emergency measures organization;
- (c) for appointing members of the emergency measures organization or of any committee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for designating evacuation routes and empowering members of the police forces having jurisdiction in the Regional Area to require persons to use such routes;
- (f) for obtaining and distributing emergency materials, equipment and supplies; and
- (g) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. 1968, c. 115, s. 144.

R.S.C. 1952,
c. 288
R.S.O. 1970,
c. 145

Expendi-
tures for
diffusing
information

126. The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years. 1968, c. 115, s. 145.

Grants to
persons
engaged
in work
advanta-
geous to
Regional
Area

127. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 92, to institutions, associations and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act. 1968, c. 115, s. 146.

Payment of
damages to
employees
R.S.O. 1970,
c. 506

128. Where in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such

employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. 1968, c. 115, s. 147.

129.—(1) Where the Regional Council passes a resolution requesting a judge of the county court of the Regional Area or a judge of the county court of a county adjoining the Regional Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Investigation by county judge of charges of malfeasance

R.S.O. 1970, c. 379

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge
R.S.O. 1970, c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. 1966, c. 115, s. 148.

Engaging counsel

130.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

Commission of inquiry

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the

Expenses of commission

Province as the Lieutenant Governor in Council may direct. 1968, c. 115, s. 149.

Entry on
highways,
etc.

131. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. 1968, c. 115, s. 150.

Agreements
re services

132. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment. 1968, c. 115, s. 151.

Applica-
tion of
R.S.O. 1970,
c. 32

133.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
municipi-
palities not
deemed
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-
tation

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof. 1968, c. 115, s. 152.

Executions
against
Regional
Corporation

134.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the

amount mentioned in the statement that shall be levied against and in each area municipality.

3. The sheriff shall then in like manner as rates are struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate, and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. *vs.* The Regional Municipality of Ottawa-Carleton" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. 1968, c. 115, s. 153.

Functions
of clerks,
assessors
and
collectors

135.—(1) The Corporation of the County of Carleton is dissolved on the 1st day of January, 1969, and on the same date the Township of Cumberland is withdrawn from the County of Russell and the United Counties for all purposes.

County of
Carleton
dissolved

Assets and liabilities

(2) Subject to an order of the Municipal Board, all the assets and liabilities of the County of Carleton become, on the 1st day of January, 1969, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Carleton shall be transferred to the clerk of the Regional Corporation. 1968, c. 115, s. 154.

Suburban roads commissions dissolved

136.—(1) The Eastview Suburban Roads Commission and the Ottawa Suburban Roads Commissions are dissolved on the 1st day of January, 1969.

Assets and liabilities

(2) Subject to an order of the Municipal Board, all the assets and liabilities of the roads commissions dissolved under subsection 1 become, on the 1st day of January, 1969, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of either of such roads commissions shall be transferred to the clerk of the Regional Corporation. 1968, c. 115, s. 155.

Adjustment of assets, etc.

137.—(1) Except as provided in this Act, the Municipal Board upon the application of any area municipality, the Regional Corporation or the United Counties may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of Carleton and the removal of the Township of Cumberland from the County of Russell and the United Counties and the dissolution of local boards of health and suburban roads commissions under this Act.

R.S.O. 1970, c. 284

Disputes

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power. 1968, c. 115, s. 156.

R.S.O. 1970, c. 323

Conditional powers

138. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize the Regional Corporation to do all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the intent and purposes of this Act. 1968, c. 115, s. 157.

Conflict with other Acts

139. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. 1968, c. 115, s. 158.

Municipal buildings

140. The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purposes of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities. 1968, c. 115, s. 159.

141. The expenditures of the Regional Corporation, as approved by the Department, during the year 1968 shall be payable out of the Consolidated Revenue Fund. 1968, c. 115, s. 160.

1968
expendi-
tures

FORM 1

(Section 8 (5))

OATH OF ALLEGIANCE

I, having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Ottawa-Carleton, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

1968, c. 115, Form 1

FORM 2

(Section 8 (5))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Ottawa-Carleton, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of twenty-one years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of Ottawa-Carleton or any local board thereof or any area municipality or local board thereof.
5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

1968, c. 115, Form 2

CHAPTER 408

The Regional Municipality of York Act

INTERPRETATION

1. In this Act,Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill, the Town of Vaughan, the Town of Whitechurch-Stouffville, the Township of East Gwillimbury, the Township of Georgina, and the Township of King, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “Department” means the Department of Municipal Affairs;
- (f) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2 and includes the Police Village of Thornhill;
- (g) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (h) “land” includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (i) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of

the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Minister of Municipal Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 125;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
 - (i) until the 1st day of January, 1971, means the area included within the County of York, except the area within The Municipality of Metropolitan Toronto, and
 - (ii) on and after the 1st day of January, 1971, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of York;
- (p) "Regional Council" means the council of the Regional Corporation;
- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic. 1970, c. 50, s. 1.

PART I

AREA MUNICIPALITIES

Constitution
of area
municipali-
ties

2.—(1) On the 1st day of January, 1971,

- (a) The portions of the Township of King and the Township of Whitchurch, described as follows, are annexed to the Town of Aurora:

FIRSTLY, part of the Township of King, commencing at a point in the east boundary of the Township of King where it is intersected by the easterly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE westerly to and along the centre line of the said road allowance and its prolongation to the centre line of the road allowance between concessions I and II of the Township of King;

THENCE northerly along the centre line of the road allowance between concessions I and II to its intersection with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and its easterly prolongation to the east boundary of the Township of King;

THENCE southerly along the east boundary of the Township of King, being along the boundary between the townships of King and Whitechurch, to the north boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the Township of King to the point of commencement.

SECONDLY, part of the Township of Whitechurch, commencing at a point in the west boundary of the Township of Whitechurch, where it is intersected by the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township of Whitechurch;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and the northern limit of Lot 26 in concessions II and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said west limit of highway being 150 feet measured at right angles westerly from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected by the centre line of the road allowance between lots 10 and 11 in Concession III of the said Township;

THENCE westerly along the centre line of the road allowance between lots 10 and 11 in concessions III and II and to and along the centre line of road allowance between lots 70 and 71 in Concession I and the last-mentioned centre line prolonged to the west boundary of the Township of Whitechurch;

THENCE northerly along the west boundary of the Township of Whitechurch, being along the boundary between the townships of Whitechurch and King, to the south boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the west boundary of the said Township;

THENCE northerly along the western boundary of the Township of Whitchurch to the point of commencement;

- (b) The portion of the Township of East Gwillimbury described as follows is established as a township municipality bearing the name of The Corporation of the Township of East Gwillimbury;

COMMENCING at the intersection of the middle of the main channel of the Holland River and the northerly boundary of the Township of East Gwillimbury prolonged westerly in accordance with section 9 of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE easterly to and along the northerly boundary of the Township of East Gwillimbury to the northeast angle thereof;

THENCE southerly along the easterly boundary of the Township of East Gwillimbury to the southeast angle thereof;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to its intersection with the southerly limit of Lot 2 in Concession III of the Township of East Gwillimbury;

THENCE easterly along the limit of the said Lot to its intersection with the line between the east and west halves of the said Lot 2;

THENCE northerly following along the line between the east and west halves of lots 2, 3 and 4 in Concession III of the said Township to the northerly limit of the said Lot 4;

THENCE westerly along the northerly limit of Lot 4 in concessions III and II and continuing westerly to and along the northerly limit of Lot 99 in Concession I east of Yonge Street and west of Yonge Street and the last-mentioned limit prolonged westerly to the west boundary of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary and its prolongation in accordance with section 9 of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960, to the middle of the main channel of the Schomberg River;

THENCE in a general northeasterly direction along the middle of the main channel of the last-mentioned River and the middle of the main channel of the Holland River being along the boundary between the townships of East Gwillimbury and West Gwillimbury, to the point of commencement;

- (c) The Corporation of the Township of Georgina (including Georgina Island), The Corporation of the Township of North Gwillimbury (including Fox and Snake Islands) and The Corporation of the Village of Sutton are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgina;
- (d) The portion of the Township of King, described as follows, is established as a township municipality bearing the name of The Corporation of the Township of King:

COMMENCING at a point in the westerly boundary of the Township of King, where it is intersected by the westerly prolongation of the northerly limit of Lot 1 in Concession XI of the said Township;

THENCE northerly along the western boundary of the Township of King to the northwesterly angle thereof;

THENCE easterly along the north boundary of the Township of King, being along the boundary between the townships of King and Tecumseth, to the southeast angle of the last-mentioned Township.

THENCE northerly along the boundary between the townships of King and Tecumseth to the middle of the main channel of the Schomberg River in accordance with section 9 of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE in a general northeasterly direction along the middle of the main channel of the said River being along the boundary between the townships of King and West Gwillimbury to the northeasterly angle of the said Township of King being in Concession II of the said Township;

THENCE southerly along the easterly Township boundary and to and along the centre line of the road allowance between concessions I and II of the Township of King to the intersection of the production easterly of

the northerly limit of Lot 1 in Concession II of the said Township;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI and westerly to the point of commencement;

- (e) The portion of the Township of Markham, described as follows, is annexed to the Town of Markham:

COMMENCING at the southwest angle of the Township of Markham;

THENCE easterly along the southern boundary of the Township of Markham to its easterly boundary;

THENCE northerly along the eastern boundary of the Township of Markham to intersect the easterly prolongation of the north limit of Lot 31 in Concession X of the said township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet westerly measured at right angles from the centre line of highway;

THENCE southerly along the said westerly limit of Highway Number 404 to the northerly limit of the King's Highway Number 7;

THENCE westerly along the north limit of the said Highway Number 7 to the west boundary of the Township of Markham;

THENCE southerly along the said boundary to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Markham;

- (f) The portions of the Township of East Gwillimbury, the Township of King and the Township of Whitechurch, described as follows, are annexed to the Town of Newmarket:

FIRSTLY, part of the Township of East Gwillimbury, commencing at the southwest angle of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary of the said Township to the westerly prolongation of the northerly limit of Lot 99 in Concession I west of Yonge Street of the Township of East Gwillimbury;

THENCE easterly to and along the northerly limit of Lot 99 in Concession I west of Yonge and in Concession I east of Yonge Street and continuing easterly to and along the northerly limit of Lot 4 in concessions II and III of the Township of East Gwillimbury to the line between the east and west halves of the said Lot 4;

THENCE southerly following along the line between the east and west halves of lots 4, 3 and 2 to the southerly limit of Lot 2 in Concession III;

THENCE westerly along the said Lot limit to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404 as defined to the southerly boundary of the Township of East Gwillimbury;

THENCE westerly along the southerly boundary of the said Township of East Gwillimbury to the easterly boundary of the Town of Newmarket;

THENCE following the boundaries between the Township of East Gwillimbury and the Town of Newmarket and continuing westerly following the south boundary of the Township of East Gwillimbury to the point of commencement;

SECONDLY, part of the Township of King, commencing at the northeast angle of the Township of King being in Concession I of the said Township;

THENCE southerly along the eastern boundary of the said Township to the intersection of the easterly prolongation of the northerly limit of Lot 86 in Concession I of the Township of King;

THENCE westerly to and along the northerly limit of said Lot 86 and its prolongation to the centre line of the road allowance between concessions I and II of the said Township of King;

THENCE northerly along the centre line of road allowance between concessions I and II to the northerly boundary of the said Township;

THENCE easterly along the boundary between the townships of King and East Gwillimbury to the point of commencement;

THIRDLY, part of the Township of Whitechurch, commencing at the intersection of the westerly boundary of the Township of Whitechurch with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE northerly along the west boundary of the said Township of Whitchurch to the northwest angle thereof;

THENCE easterly along the northerly boundary of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to its intersection with the northerly limit of Lot 26 in Concession III of the Township of Whitchurch;

THENCE westerly along the north limit of Lot 26 in concessions III and II and continuing westerly to and along the northerly limit of Lot 86 in Concession I of the Township of Whitchurch and its westerly prolongation to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Newmarket;

- (g) The portions of the Township of King, the Township of Markham, the Township of Vaughan and the Township of Whitchurch, described as follows, are annexed to the Town of Richmond Hill:

FIRSTLY, part of the Township of King, commencing at the southeast angle of the Township of King;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the southerly prolongation of the centre line of road allowance between concessions I and II of the Township of King;

THENCE northerly to and along the centre line of the said road allowance to the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the Township of King;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 and its easterly prolongation to the easterly boundary of the Township of King;

THENCE southerly along the easterly boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Markham, commencing at the northwesterly angle of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to where it is intersected by the westerly

limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected with the northerly limit of the King's Highway Number 7;

THENCE westerly along the northerly limit of Highway Number 7 to the westerly boundary of the Township of Markham;

THENCE northerly along the westerly boundary of the said Township to the southerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Markham and the Town of Richmond Hill to the west boundary of the said Township;

THENCE northerly along the western boundary of the Township of Markham to the point of commencement;

THIRDLY, part of the Township of Vaughan, commencing at a point in the easterly boundary of the Township of Vaughan where it is intersected by the northerly limit of the King's Highway Number 7;

THENCE westerly to and along the northerly limit of Highway Number 7 to the centre line of the road allowance between concessions I and II of the said Township of Vaughan;

THENCE northerly along the said centre line of road allowance between concessions I and II and its northerly prolongation to the northerly boundary of the Township of Vaughan;

THENCE easterly along the northerly boundary of the Township of Vaughan to the northeast angle thereof;

THENCE southerly along the easterly boundary of the said Township to the northerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Vaughan and the Town of Richmond Hill to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the said Township of Vaughan to the point of commencement;

FOURTHLY, part of the Township of Whitechurch, commencing at the point of intersection of the western boundary of the Township of Whitechurch with the westerly prolongation of the centre line of the road

allowance between lots 70 and 71 in Concession I of the said Township;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 to and along the centre of road allowance between lots 10 and 11 in concessions II and III of the Township of Whitechurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to the southerly boundary of the said Township of Whitechurch;

THENCE westerly along the southerly boundary of the said Township to the southwest angle thereof;

THENCE northerly along the west boundary of the Township of Whitechurch to the point of commencement;

- (h) The portions of the Township of King and the Township of Vaughan, described as follows, are annexed to the Village of Woodbridge to establish a township municipality bearing the name of The Corporation of the Town of Vaughan:

FIRSTLY, part of the Township of King, commencing at the point of intersection of the south boundary of the Township of King with the southerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE northerly to and along the centre line of the road allowance between the said concessions to the easterly prolongation of the northerly limit of Lot 1 in Concession II of The Township of King;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VII, IX, X and XI of the said Township of King and the last-mentioned limit prolonged to the westerly boundary of the said Township;

THENCE southerly along the westerly boundary of the Township of King to the southwest angle thereof;

THENCE easterly along the south boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Vaughan, commencing at a point in the north boundary of the said Township of Vaughan where it is intersected by the northerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE southerly to and along the centre line of said road allowance southerly to intersect the northerly limit of the King's Highway Number 7;

THENCE easterly along the northerly limit of said Highway Number 7 and its easterly prolongation to the east boundary of the said Township of Vaughan;

THENCE southerly along the east boundary of the Township of Vaughan to the southeasterly angle thereof;

THENCE westerly along the south boundary of the Township of Vaughan to its southwest angle;

THENCE northerly along the westerly boundary of the said Township to the northwesterly angle thereof;

THENCE easterly along the north boundary of the said Township of Vaughan to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Village of Woodbridge;

- (i) The portions of the Township of Markham and the Township of Whitchurch described as follows, are annexed to the Village of Stouffville to establish a township municipality bearing the name of The Corporation of the Town of Whitchurch-Stouffville:

FIRSTLY, part of the Township of Markham, commencing at the point of intersection of the east boundary of the said Township of Markham and the easterly prolongation of the northerly limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected with the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured westerly at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to the northerly boundary of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Markham and the Village of Stouffville to the northerly boundary of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast angle thereof;

THENCE southerly along the east boundary of the Township of Markham to the point of commencement;

SECONDLY, part of the Township of Whitechurch, commencing at the northeast angle of the Township of Whitechurch;

THENCE westerly along the north boundary of the said Township to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as described to the south boundary of the Township of Whitechurch;

THENCE easterly along the southerly boundary of the said Township of Whitechurch to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Whitechurch and the Village of Stouffville to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Whitechurch to the southeast angle thereof;

THENCE northerly along the east boundary of the said township to the point of commencement.

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1971:

1. The Police Village of Holland Landing.
2. The Police Village of King City.
3. The Police Village of Maple.
4. The Police Village of Mount Albert.
5. The Police Village of Nobleton.
6. The Police Village of Queensville.
7. The Police Village of Schomberg.
8. The Police Village of Sharon.
9. The Police Village of Thornhill.
10. The Police Village of Unionville. 1970, c. 50, s. 2 (1, 2).

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders
R.S.O. 1970,
c. 323

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 26th day of June, 1970, pursuant to applications made under sections 14 and 25 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, and, subject to the provisions of this

Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and “municipalities” in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. 1970, c. 50, s. 2 (3), *amended*.

R.S.O. 1970,
c. 284

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum
re names of
area municipalities

(a) confirm the name of the area municipality as set out in subsection 1; or

(b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration. 1970, c. 50, s. 2 (4).

3.—(1) On and after the 1st day of January, 1971, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition
of councils

1. The Town of Aurora—Except as may be provided under subsection 3, eight members elected by a general vote of the electors of the area municipality.
2. The Town of Markham—Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
3. The Town of Newmarket—Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, seven members elected by a general vote of the electors of the area municipality.

4. The Town of Richmond Hill—Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
5. The Town of Vaughan—Six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, five members elected by a general vote of the electors of the area municipality.
6. The Town of Whitchurch-Stouffville—Except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
7. The Township of East Gwillimbury—Except as may be provided under subsection 3, four members elected by a general vote of the electors of the area municipality.
8. The Township of Georgina—Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, seven members elected by a general vote of the electors of the area municipality.
9. The Township of King—Except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.

Election
and term
of office

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1970, and the day for polling shall be the 5th day of October and the first councils elected shall hold office for the years 1971 and 1972. 1970, c. 50, s. 3 (1, 2).

Idem

(3) For the purposes of the elections of the first councils of the area municipalities,

- (a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council, who are not to be members of the Regional Council, to be elected in the respective wards;
- (b) the Minister shall by order,
 - (i) fix the days, times and places of nominations, and provide for the holding of nomination meetings, the

appointment of returning officers, the holding of the elections, the preparation of voters' lists, and

- (ii) provide for such other matters as he considers necessary to hold the elections; and
- (c) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1970, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled. 1970, c. 50, s. 3 (3), *amended*.

(4) The members of the council of each area municipality elected in the year 1970 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality. Organiza-
tion
committee
in 1970

(5) The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1970 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. 1970, c. 50, s. 3 (4, 5). Expenses
of first
elections

4.—(1) In every area municipality,

- (a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter on the second Monday preceding the first Monday in December; and Meetings of
electors for
nominations
of candidates
and polling
day
- (b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held. Place of
nomination
meeting

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized. Term of
office

Resident
voters'
list
R.S.O. 1960,
c. 254

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received. 1970, c. 50, s. 4.

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

Regional
Corporation
constituted

5.—(1) On the 13th day of October, 1970, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of York".

Deemed
municipality under
R.S.O. 1970,
c. 118, 323

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional
Area and
Metro-
politan
Toronto
deemed
judicial
district
R.S.O. 1970,
c. 230

(3) On and after the 1st day of January, 1971, the County of York as it exists on the 31st day of December, 1970, shall for all judicial purposes be deemed to be a county and be known as the Judicial District of York, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 21.

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
county of
York
deemed
appoint-
ments for
Judicial
District of
York

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1970, in and for the County of York shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1971, in and for the Judicial District of York. 1970, c. 50, s. 6.

Regional
Council to
exercise
corporate
powers

6.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. 1970, c. 50, s. 7.

7. The Regional Council shall consist of seventeen members composed of a chairman and, Composition of Regional Council

- (a) in the year 1970, the mayor-elect of each area municipality and thereafter the head of the council of each area municipality;
- (b) two members of the council of the area municipality of the Town of Markham who have been elected as members of the Regional Council and of the council of such area municipality;
- (c) one member of the council of the area municipality of the Town of Newmarket who has been elected as a member of the Regional Council and of the council of such area municipality;
- (d) two members of the council of the area municipality of the Town of Richmond Hill who have been elected as members of the Regional Council and of the council of such area municipality;
- (e) one member of the council of the area municipality of the Town of Vaughan who has been elected as a member of the Regional Council and of the council of such area municipality;
- (f) one member of the council of the area municipality of the Township of Georgina who has been elected as a member of the Regional Council and of the council of such area municipality,

and the members so elected shall hold office for the years 1970, 1971 and 1972, and thereafter for two-year terms of office. 1970, c. 50, s. 8.

8.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 13th day of October, 1970, to hold office at pleasure during the years 1970 to 1974 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine. Appointment of chairman by Lieutenant Governor in Council

(2) At the first meeting of the Regional Council in the year 1975 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 19 shall preside until the chairman is elected. Biennial election of chairman

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a Resignation from area council

member of such council, and his seat on such council thereby becomes vacant.

Failure
to elect
chairman

(4) If, at the first meeting of the Regional Council in the year 1975 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act. 1970, c. 50, s. 9.

First
meeting,
1970

9.—(1) The first meeting of the Regional Council shall be held on or after the 13th day of October, 1970, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting of
area
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1971 and in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1971 the first meeting shall be called by the mayor-elect at such time and place as he may designate.

First
meeting of
Regional
Council

(3) The first meeting of the Regional Council in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate of
qualification

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 7 shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality which he represents, and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council which he attends a certificate under the hand of the mayor-elect of the area municipality which he represents, certifying that he is entitled to be a member under such section.

Oath of
allegiance
of
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

(7) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

Declarations of office
R.S.O. 1970, c. 284

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 11. 1970, c. 50, s. 10.

When Council deemed organized

10. Subject to section 9, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. 1970, c. 50, s. 11.

Place of meeting

11.—(1) Nine members of the Regional Council representing at least five area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

Quorum, voting

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

One vote

(3) The Chairman does not have a vote except in the event of an equality of votes. 1970, c. 50, s. 12.

Chairman vote

12.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 8, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Idem

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor.

Other members

- Resignation (5) Where a member has been elected as a member of the Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils.
- When seat to become vacant
R.S.O. 1970, c. 284
Where head of council incapacitated (6) Section 145 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the Regional Council.
- (7) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. 1970, c. 50, s. 13.
- Remuneration **13.**—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the Regional Council may determine.
- Idem (2) For the year 1975 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine. 1970, c. 50, s. 14.
- Committees of council **14.** (1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.
- Remuneration of committee chairman (2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council. 1970, c. 50, s. 15.
- Procedural by-laws **15.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. 1970, c. 50, s. 16.
- Head of council **16.**—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.
- Chief administrative officer (2) The Regional Council may by by-law appoint a chief administrative officer, who,
- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2. Application of R.S.O. 1970, c. 284, s. 238

17. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act. 1970, c. 50, s. 18. Acting chairman

18.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, and 390 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

(2) Sections 190, 199, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council. 1970, c. 50, s. 19. Idem

19.—(1) The Regional Council shall appoint an officer, whose duty it is, Appointment of officer and his duties

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy who shall have all the powers and duties of the officer appointed under subsection 1. Deputy officer

(3) When the office of the officer appointed under subsection 1 is vacant or the incumbent is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint Acting officer

an acting officer *pro tempore* who shall have all the powers and duties of the officer appointed under subsection 1.

Acting
officer, first
meeting
1970

(4) The chairman appointed under subsection 1 of section 8 shall appoint an acting officer who shall have all the powers and duties of an officer under subsection 1 for the purposes of the first meeting of the Regional Council in the year 1970 and thereafter until the Regional Council appoints an officer under this section.

Officer
deemed
clerk under
other Acts

(5) An officer appointed under this section is deemed to be the clerk of the Regional Corporation for the purposes of every Act. 1970, c. 50, s. 20.

Minutes
open to
inspection
and copies
to be
furnished

20.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of an officer appointed under section 19, except inter-departmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the officer within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The officer appointed under section 19 shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified
by officer
to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of an officer appointed under section 19, purporting to be certified under his hand and seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. 1970, c. 50, s. 21.

Appoint-
ment of
financial
officer

21.—(1) The Regional Council shall appoint a financial officer to undertake the duties of a treasurer and such financial officer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
financial
officer

(2) The Regional Council may appoint a deputy financial officer who shall have all the powers and duties of the financial officer.

(3) When the office of financial officer is vacant or the financial officer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting financial officer *pro tempore* who shall have all the powers and duties of the financial officer.

Acting
financial
officer

(4) A financial officer appointed under this section is deemed to be the treasurer of the Regional Corporation for the purposes of every Act. 1970, c. 50, s. 22.

Financial
officer
deemed
treasurer
under other
Acts

22.—(1) The financial officer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the financial officer shall be signed by the financial officer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Receipt and
disburse-
ment of
money

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

Signing
of cheques

- (a) designate one or more persons to sign cheques in lieu of the financial officer; and
- (b) provide that the signature of the financial officer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the financial officer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

Petty cash
fund

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the financial officer for any work or service performed or to be performed.

Member
of Council,
when he
may be
paid for
work

(5) The financial officer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. 1970, c. 50, s. 23.

Financial
officer's
liability
limited

23. Subject to subsection 3 of section 22, the financial officer shall,

Bank
accounts

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;

- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 22, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the financial officer vary from such provisions. 1970, c. 50, s. 24.

Monthly
statement
by financial
officer

24.—(1) The financial officer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the financial officer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. 1970, c. 50, s. 25.

Appoint-
ment of
auditors

25.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Disqualifica-
tion of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Department.

(5) The Regional Council may provide that all accounts shall be audited before payment. 1970, c. 50, s. 26.

Audit of accounts before payment

26.—(1) Sections 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245 and 250 and paragraphs 9, 63, 64, 65, 66, 67 and 68 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application of R.S.O. 1970, c. 284

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Pensions

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

Idem

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Sick leave credits

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof or a roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent

Holidays

to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of
continuation
of employ-
ment by
Regional
Council

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1970, is employed by the County of York or by any roads commission or the health unit for the County of York or in any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1970.

Entitlement
to salary

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1971, of not less than he was receiving on the 1st day of April, 1970.

Application
of
R.S.O. 1970,
c. 324

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Offer of
continuation
of employ-
ment by
area council

(9) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1971, not less than he was receiving on the 1st day of April, 1970.

Sick leave
credits

(10) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Termination
of employ-
ment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause. 1970, c. 50, s. 27.

PART III

REGIONAL WATERWORKS SYSTEM

27.—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation, and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. Establishment of waterworks

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission. 1970, c. 50, s. 29. Waterworks utilities commission prohibited

28.—(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation. Assumption of works and mains

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed. Idem

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it. Interpretation

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein. Extension of time

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board, Regional liability

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional

R.S.O. 1970, c. 255	Corporation to pay that portion of the amounts of principal and interest that under <i>The Local Improvement Act</i> is payable as the owners' share of a local improvement work.
Default	(6) If the Regional Corporation fails to make any payment as required by clause <i>b</i> of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.
Settling of doubts	(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.
Interpre- tation	(8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses. 1970, c. 50, s. 30.
Existing agreements	29. —(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.
Rates	(2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement. 1970, c. 50, s. 31.
Powers of area muni- cipalities restricted	30. —(1) No area municipality, after the 31st day of December, 1970, shall establish, maintain or operate any works for the production, treatment and storage of water.
Proviso	(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation. 1970, c. 50, s. 32.

31.—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Regional Council.

Supply beyond limits of local municipality

(2) Nothing in subsection 1 prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 12th day of October, 1970, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation. 1970, c. 50, s. 33.

Proviso

32.—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied.

Regulation of supply, etc.

(2) Where, immediately before the 1st day of January, 1971, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act, 1960-61*, the Regional Corporation may continue to fluoridate the water supply to such area. 1970, c. 50, s. 34.

Continuation of fluoridation of water supply in area
1960-61, c. 30

33. The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality. 1970, c. 50, s. 35.

Maintenance, management, etc.

34.—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

Rates

(2) In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

Idem

(3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-

Self-sustaining

sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

R.S.O. 1970,
c. 323, s. 53
subs. 1, cl. k,
not
applicable

(4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality. 1970, c. 50, s. 36.

Retail sale
prohibited

35.—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

Sale to
other muni-
cipalities

(2) The Regional Corporation may enter into a contract for the supply of water to any local, regional or metropolitan municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. 1970, c. 50, s. 37.

Books and
accounts

36. The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Department. 1970, c. 50, s. 38.

Application
of revenues
R.S.O. 1970,
c. 390

37.—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system; or
- (c) the establishment of such reserve funds as the Regional Council may consider proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

Where levy
unnecessary

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt.

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Reserve
Fund

R.S.O. 1970,
c. 470

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system. 1970, c. 50, s. 39.

Application
of reserve
fund

38.—(1) Subject to section 45, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system but, where the property is actually used for the purposes of the waterworks system, no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

Disposal of
property

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system. 1970, c. 50, s. 40.

Proceeds

39.—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water.

Temporary
shut-offs

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation. 1970, c. 50, s. 41.

No breach
of contract

40.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Standards
for local
systems

Approval
of local
extensions
and
connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council. 1970, c. 50, s. 42.

Appeal

41. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. 1970, c. 50, s. 43.

Payment
of charges

42.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council.

Discounts
and
penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues. 1970, c. 50, s. 44.

Transfer
of rights
over works
assumed

43. The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional water-works system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed. 1970, c. 50, s. 45.

44. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. 1970, c. 50, s. 46.

Inspection
of local
works

45. Where a distribution main has been assumed by the Regional Corporation under section 28 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality. 1970, c. 50, s. 47.

Reversion
where mains
no longer
required

46. The works and mains assumed by the Regional Corporation under section 28, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 35, to any local, regional or metropolitan municipality outside the Regional Area. 1970, c. 50, s. 48.

Use of
regional
works

PART IV

REGIONAL SEWAGE WORKS

47.—(1) In this Part,

Interpre-
tation

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;

- (f) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) "work" means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

Idem (2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council. 1970, c. 50, s. 50.

General powers **48.**—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

Sewage works utilities commission prohibited (2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission. 1970, c. 50, s. 51.

Construction, etc., of trunk sewage works **49.** The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses. 1970, c. 50, s. 52.

Assumption of treatment works **50.**—(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

Other works (2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971.

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed. Idem

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein. Extension of time

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board, Regional liability

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1970, c. 255

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. 1970, c. 50, s. 53. Settling of doubts

51.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing agreements

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in Idem

accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Termination

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. 1970, c. 50, s. 54.

Powers
of area
municipalities
restricted

52.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council.

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1970, without the approval of the Regional Council. 1970, c. 50, s. 55.

Regulation
of system,
etc.

53. The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal. 1970, c. 50, s. 56.

Special
benefit

54.—(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Idem

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality.

Payments

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work. 1970, c. 50, s. 57.

Raising of money by area municipality
R.S.O. 1970, c. 284

55.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council.

Connecting to regional works or water-courses

(2) The Regional Corporation may enter into a contract with any local, regional or metropolitan municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Agreements with other municipalities

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse. 1970, c. 50, s. 58.

Inspection

56.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Standards for local systems

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council. 1970, c. 50, s. 59.

Approval of local extensions, etc.

Appeal

57. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work; or
- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. 1970, c. 50, s. 60.

Special
sewage
service
rates

58.—(1) The Regional Council may pass by-laws providing for the imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works.

Idem

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council.

Raising
of money
by area
municipi-
ality
R.S.O. 1970,
c. 284

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 362 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. 1970, c. 50, s. 61.

Contribution
towards
cost of
separation
of combined
sewers

59. The Regional Council may contribute towards the cost to any area municipality of the separation of sanitary and storm sewers in an area municipality such amounts as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality. 1970, c. 50, s. 62.

Transfer
of rights
over works
assumed

60. The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities

or local board or boards might have done if such works had not been assumed. 1970, c. 50, s. 63.

61. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. 1970, c. 50, s. 64.

Inspection
of local
works

62. Any works assumed by the Regional Corporation under section 50, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 55, from any local, regional or metropolitan municipality outside the Regional Area. 1970, c. 50, s. 65.

Use of
regional
works

PART V

REGIONAL ROAD SYSTEM

63. In this Part,

Interpre-
tation

- (a) “approved” means approved by the Minister or of a type approved by the Minister;
- (b) “construction” includes reconstruction;
- (c) “Department” means the Department of Highways;
- (d) “maintenance” includes repair;
- (e) “Minister” means the Minister of Highways;
- (f) “road authority” means a body having jurisdiction and control of a highway. 1970, c. 50, s. 67.

64.—(1) On and after the 1st day of January, 1971, all roads under the jurisdiction and control of the County of York on the 31st day of December, 1970, shall constitute the regional road system.

County
roads to
constitute
regional
road system

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, as may be agreed upon between the Regional Council and the council of such municipality.

Adding or
removing
roads by
by-law

Transfer
of provincial
highway to
Regional
Corporation

R.S.O. 1970,
c. 201

Vesting of
roads in
regional
road system

Removal of
roads from
regional
road system
Roads
removed
from system

Consolidat-
ing by-law

Approval of
by-laws

Application
of
R.S.O. 1970,
c. 410

Plan of
construction
and main-
tenance

Submission
of by-law
covering
estimated
expenditure

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Highway Improvement Act*.

(4) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation.

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

(6) Where a road or part thereof is removed from the regional system, except by reason of it being stopped-up pursuant to section 75, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

(7) The Regional Council shall, on or before the 1st day of January, 1976, pass a by-law setting out all the roads then in the regional road system or consolidating all by-laws relating to the regional road system and shall at intervals of not more than five years thereafter pass similar by-laws.

(8) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

(9) *The Regulations Act* does not apply to an order in council made under this section. 1970, c. 50, s. 68.

65.—(1) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

(2) The Regional Corporation shall submit a by-law covering the estimated expenditure on regional roads for the calendar year to the Department for the Minister's approval not later than the 31st day of March of the year in which the expenditure is to be made.

(3) The Regional Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on regional roads supplementing the by-law submitted under subsection 2. Supplementary
by-law

(4) No grant shall be made by the Department towards work undertaken by the Regional Corporation that has not been provided for by a by-law duly approved by the Minister. 1970, c. 50, s. 69. Grant

66. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road it shall furnish the Minister with such detailed information as he may require. 1970, c. 50, s. 70. Information
to Minister

67.—(1) The Regional Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister, Annual
statement
to Minister

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 86 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the financial officer of the Regional Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the Regional Council.

(2) Upon receipt of the statement, declaration and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the financial officer of the Regional Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. Payment to
Regional
Corporation

(3) Notwithstanding subsection 2 but subject to section 65, the Minister may, in his discretion, direct payment to the Regional Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent, Advance
payments

- (a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or
- (b) of the average annual payments made by the Minister

under this section in respect of the five preceding calendar years.

Payment
for road
improvement

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the regional road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the Regional Corporation, direct payment to the financial officer of the Regional Corporation out of the moneys appropriated therefore by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Contribu-
tion towards
expenditures

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1970, c. 50, s. 71.

Expenditure
for con-
struction,
maintenance
or repair

68. The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Corporation, and in all cases the Minister shall determine the amount of the expenditure that is properly chargeable to road improvement, and his decision is final. 1970, c. 50, s. 72.

Powers
over roads
assumed

69. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of York or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of York or the area municipality or municipalities or roads commission, as the case may be, might have done if the roads had not become part of the regional road system. 1970, c. 50, s. 73.

Sidewalks
excepted

70.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same

limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1970,
c. 284

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council.

Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost provided

R.S.O. 1970,
c. 255

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipality to conform to requirements and be responsible for damages

(5) Subsection 4 of section 97 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. 1970, c. 50, s. 74.

R.S.O. 1970,
c. 201, s. 97,
subs. 4,
not to apply

71.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon, entering or leaving a regional road.

Installation of traffic control devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a regional road.

Relocation of intersecting roads

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Idem

(4) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*. 1970, c. 50, s. 75.

Construction of storm sewer, etc., on area municipality road

Intersection of other roads by regional road

72. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road intersected is a part of the regional road system. 1970, c. 50, s. 76.

Dedication of lands abutting regional roads for widening purposes

73. When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. 1970, c. 50, s. 77.

New roads

R.S.O. 1970,
c. 284

74. The Regional Council may pass by-laws for establishing and laying out new roads and for adding such new roads to the regional road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*. 1970, c. 50, s. 78.

Powers and liabilities of Regional Corporation

R.S.O. 1970,
cc. 284, 202

75. With respect to the regional roads and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways. 1970, c. 50, s. 79.

Erection of gasoline pump and advertising device near regional road

76.—(1) The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

- (a) any gasoline pump within 150 feet of any limit of a regional road; and
- (b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. 1970, c. 50, s. 80.

By-laws of area municipalities regulating traffic

77.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

Signal-light devices

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the

Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

(3) The Regional Corporation may contribute towards the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution towards cost of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. 1970, c. 50, s. 81.

Traffic control within 100 ft. of regional roads
R.S.O. 1970, c. 202

78. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a regional road for the construction, maintenance and use of walks for pedestrians over, across or under the road upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such regional road within those portions of an area municipality in which land may be used for commercial or industrial purposes, for such considerations and upon such terms and conditions as may be agreed. 1970, c. 50, s. 82.

Agreements for pedestrian walks

79.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, where such bridge or highway is included in the regional road system and in the road system of such municipality.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970, c. 284

(2) When there is a difference between the Regional Council and the council of a municipality, including a metropolitan or other regional municipality, in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of such municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of such municipality.

Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, including a metropolitan or

Hearing by O.M.B.

other regional municipality, and, in the case of the Regional Corporation, the officer appointed under section 19, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute towards the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. 1970, c. 50, s. 83.

Boundary
bridges
between area
municipalities
R.S.O. 1970,
c. 284

80. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1970, c. 50, s. 84.

Boundary
bridges
between
Regional Area
and adjoining
municipality

81. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and such adjoining municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1970, c. 50, s. 85.

Restrictions

82.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

R.S.O. 1970,
c. 349

Conflict
with local
by-law

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. 1970, c. 50, s. 86.

Controlled-
access roads

83.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Closing
municipal
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Notice of
application
for approval
for closing
road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing
road

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road, and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it considers proper and may fix the amount of such costs.

Idem

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Leave to
appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an

Practice and
procedure on
appeal

appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1970,
c. 323, s. 95,
not to
apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section. 1970, c. 50, s. 87.

Private
roads, etc.,
opening
upon
regional
controlled-
access
road
Notice

84.—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1.

Service
of notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to
comply with
notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensa-
tion

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 83 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law. 1970, c. 50, s. 88.

Regional
liability
when road
added

85.—(1) Where the Regional Corporation adds to the regional road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested.

(2) Where a road has been added to the regional road system by a by-law passed under subsection 2 of section 64, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. Idem
R.S.O. 1970,
c. 255

(3) If the Regional Corporation fails to make any payment as required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final. 1970, c. 50, s. 89. Settling of doubts

86.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify by registered mail the officer appointed under section 19. Stopping up highways

(2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. 1970, c. 50, s. 90. Agreement

87. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional road system. 1970, c. 50, s. 91. Appoint-
ment of
roads com-
missioner
R.S.O. 1970,
c. 366

88. Sections 92, 94, 96, 99 and 102 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any regional road. 1970, c. 50, s. 92. Application
of
R.S.O. 1970,
c. 201

PART VI

PLANNING

89.—(1) On and after the 1st day of January, 1971, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the York Planning Area. Planning
area
R.S.O. 1970,
c. 349

Designated
municipality

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the York Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the York Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1970.

Area
municipalities
subsidiary
planning
areas

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1971, and each council thereof shall have all the powers and duties of a planning board, but sections 3, 4, 6, 8, 9 and 10 of *The Planning Act* do not apply to such council.

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

Effect of
official plan

(6) When the Minister has approved an official plan adopted by the Regional Council,

R.S.O. 1970,
c. 349

(a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith. 1970, c. 50, s. 94.

Planning
duties of
Regional
Council

90.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the York Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the York Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the York Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the York Planning Area in determining the solution of problems or matters affecting the development of the York Planning Area; and

(c) consult with any local board having jurisdiction within the York Planning Area.

Official plan

(2) The Regional Council, before the 31st day of December, 1974, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

(3) The Regional Council and the council of each area municipality may appoint such planning staff as it considers necessary.

Appointment of planning staff

(4) The Regional Council and the council of each area municipality may appoint such planning committees as it considers necessary.

Appointment of committees

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

Regional Corporation deemed municipality under
R.S.O. 1970, c. 349

(6) The Regional Council shall be deemed to be a county for the purposes of section 39 of *The Planning Act*.

Idem

(7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements re plans of subdivision

(8) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the York Planning Area or any part thereof.

Agreements re special studies

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Delegation of Minister's powers

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the York Planning Area are hereby dissolved on the 31st day of December, 1970, and the council of each area municipality shall forthwith after the 1st day of January, 1971, pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*. 1970, c. 50, s. 95.

Committees of adjustment

91. Except as provided in this Part, the provisions of *The Planning Act* apply. 1970, c. 50, s. 96.

Application of
R.S.O. 1970, c. 349

PART VII

HEALTH AND WELFARE SERVICES

92.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability for hospitalization of indigents
R.S.O. 1970, cc. 378, 361

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of

Existing liabilities transferred

December, 1970, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality, or the County of York.

Proviso

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971.

Hospitalization grant 1971 under R.S.O. 1970, c. 293

(4) The 1971 indigent hospitalization grant payable under section 8 of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality and the County of York for purposes mentioned in such section 8 in the year 1970 and shall be paid to the Regional Corporation. 1970, c. 50, s. 98.

Aid to hospitals

93. The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor. 1970, c. 50, s. 99.

Regional Area to be health unit R.S.O. 1970, c. 377

94.—(1) On and after the 1st day of January, 1971, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply.

Dissolution of York health unit

(2) The health unit serving the County of York on the 31st day of December, 1970, is hereby dissolved on the 1st day of January, 1971, and all the assets and liabilities thereof shall be disposed of by order of the Minister of Health.

Boundaries fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health. 1970, c. 50, s. 100.

Constitution of health board

95.—(1) On and after the 1st day of January, 1971, the board of health of the health unit established under section 94 shall be composed of,

- (a) five members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remuneration of certain members

(2) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Regional Area health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation. 1970, c. 50, s. 101.

Expenses of board

R.S.O. 1970, c. 377

96.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

Regional Corporation deemed city under R.S.O. 1970, cc. 21, 270, 422, 490

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.* 1970, c. 50, s. 102.

Regional Corporation deemed county under R.S.O. 1970, cc. 104, 192, 203

97.—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Liability respecting homes for the aged R.S.O. 1970, c. 206

(2) Section 16 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home, except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 16 shall be signed by such person or persons as may be designated by resolution of the Regional Council. 1970, c. 50, s. 103.

Application

98.—(1) The Regional Corporation shall pay to the board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1970, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality.

Residents of other homes for the aged

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. 1970, c. 50, s. 104.

Amount of maintenance payment

Regional Corporation deemed municipality under R.S.O. 1970, c. 64

99. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act* and the Regional Corporation shall be deemed to be a county for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act. 1970, c. 50, s. 105.

Existing liabilities transferred 1965, c. 14

100. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1971, by any area municipality under section 88 of *The Child Welfare Act, 1965*, and is entitled to recover the amounts payable to any area municipality on or after that date under that section. 1970, c. 50, s. 106.

Liability under order made under R.S.O. 1952, c. 160

101. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. 1970, c. 50, s. 107.

Information

102. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. 1970, c. 50, s. 108.

Adjustments

103. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. 1970, c. 50, s. 109.

Grants, etc., to approved corporations under R.S.O. 1970, c. 204

104. The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. 1970, c. 50, s. 110.

PART VIII

POLICE

Interpretation

105. In this Part, "York Police Board" means the York Regional Board of Commissioners of Police. 1970, c. 50, s. 112.

York Regional Board established R.S.O. 1970, c. 351

106.—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1970, a board of commissioners of police shall be constituted to be known as the York Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the county court of the Judicial District of York designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the York Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the York Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties. 1970, c. 50, s. 113.

107. On and after the 1st day of January, 1971,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except section 8 thereof; and
- (b) *The Police Act* does not apply to any area municipality. 1970, c. 50, s. 114.

108.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1970, and continues to be a member until the 31st day of December, 1970, shall, on the 1st day of January, 1971, become a member of the York Regional Police Force, and the provisions of subsections 2 to 7 of section 26 apply to such members, but no members shall receive in the year 1971 any benefits of employment less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1970, and becomes a member of the York Regional Police Force on the 1st day of January, 1971, is subject to the government of the York Police Board to the same extent as if appointed by the York Police Board.

(3) Every person who becomes a member of the York Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the York Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) have a retirement age of sixty years of age except that those members of the police force of a local municipality whose retirement age was sixty-five years of age immediately before they become members of the York Regional Police Force shall continue, until the 1st day of January, 1975, to have a retirement age of sixty-five years of age;
- (c) have credited to him in the York Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1971; and
- (d) receive such sick leave credits in the sick leave credit plan which shall be established by the York Police Board as he had standing to his credit in the plan of the local municipality. 1970, c. 50, s. 115.

Assumption
of buildings

109.—(1) The Regional Council shall, before the 1st day of January, 1971, pass by-laws which shall be effective on such date assuming for the use of the York Police Board any such land or building that the York Police Board may require that is vested on the 1st day of July, 1970, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Sale by area
municipalities
limited

(2) No local municipality, between the 1st day of June, 1970, and the 1st day of January, 1971, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Extension
of time

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1971, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3, Regional Corporation liability

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1970, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the York Police Board on or after the 1st day of January, 1971, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the York Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1970, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. Accommodation

Office
supplies, etc.

(8) At the request of the York Police Board, each area municipality, for the use of the York Police Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1971, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1971, on the same terms and to the same extent as the police force used the property before such date.

Signal
system
transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1970, or thereafter, are vested in the Regional Corporation for the use of the York Police Board on the 1st day of January, 1971, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system.

Settling of
doubts

(10) In the event of any doubt as to whether,

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final. 1970, c. 50, s. 116.

Property to
be provided

110. The Regional Corporation shall provide all real and personal property necessary for the purposes of the York Police Board. 1970, c. 50, s. 117.

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

111.—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

(2) Every area municipality shall be deemed to be an area municipality for the purposes of *The Regional Municipal Grants Act*.

Application of R.S.O. 1970, c. 405 to area municipalities

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

Application of R.S.O. 1970, c. 405 to Regional Corporation

- (a) for the purposes of any payment under that Act in the year 1971 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Department considers proper; and
- (b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act* means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 114 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*. 1970, c. 50, s. 119.

112. Section 312 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. 1970, c. 50, s. 120.

Investment of moneys not immediately required R.S.O. 1970, c. 284

YEARLY ESTIMATES AND LEVIES

113.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

Yearly estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve. 1970, c. 50, s. 121.

Allowance to be made in estimates

114.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

Levy on area municipalities

- (a) for payment of the estimated current annual expenditures as adopted; and

- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportionment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Equalized assessment

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities.

When subs. 4 ceases to apply

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

Copy to Regional Corporation and area municipality

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department.

Idem

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment of by-law where necessary following appeal

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the financial officer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the financial officer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the financial officer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Fixed assessments, etc., not to apply

R.S.O. 1970, c. 32

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid

(12) The clerk of an area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations.

Valuations of properties in respect of which grants in lieu of taxes received

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Levy by-laws

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Regional levy

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so

Payment

levied to the financial officer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. 1970, c. 50, s. 122,

Equalization
of assess-
ment of
merged
areas

115.—(1) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Notice

(2) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 1, the Department shall notify the area municipality of the revised and equalized assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net regional levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 1.

Determina-
tion of rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

When
provisions
cease to
apply

(5) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 114. 1970, c. 50, s. 123.

Levy by
Regional
Council
before
estimates
adopted

116.—(1) Notwithstanding section 114, in the year 1971 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1970 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 114, and subsections 15 and 16 of section 114 apply to such a levy.

(2) Notwithstanding section 114, in 1972 and in subsequent years the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 114 apply to such a levy.

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 114.

Idem
Levy under
section 114
to be
reduced

(4) Notwithstanding section 115, until the date determined by the Minister under subsection 5 of section 114, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy by
area muni-
cipality
before
estimates
adopted

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 115, until the date determined by the Minister under subsection 5 of section 114, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Business
assessment

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 115.

Levy under
s. 115 to be
reduced

(7) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Application
of
R.S.O. 1970,
c. 284, s. 303
subs. 4

(8) Section 303 of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 114. 1970, c. 50, s. 124.

R.S.O. 1970,
c. 284, s. 303
not to apply

117.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates under
R.S.O. 1970,
c. 430

Rates for
public school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 115.

Rates for
public
school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 115.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 115.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 115.

Regulations
under
R.S.O. 1970,
c. 425 to
apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 114. 1970, c. 50, s. 125.

Transitional
adjustments

113. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order,

the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. 1970, c. 50, s. 126.

119.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1971 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1971
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1970.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll. 1970, c. 50, s. 127.

Idem

RESERVES

120. Where, under subsection 2 of section 297 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, the County of York has established reserves, those reserves shall become the reserves of the Regional Corporation. 1970, c. 50, s. 128.

Reserves of Regional Corporation

ADJUSTMENTS

121.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960.

Interpretation

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1970, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 3, shall be provided for by adjustment of the tax rate in the year 1971.

Surplus or deficit at December 31, 1970 to be applied to supporting assessment

Adjust-
ments may
be spread
over five
years by
order

(3) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years. 1970, c. 50, s. 129.

Arbitration

122.—(1) The Minister may, on or before the 1st day of September, 1970, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of East Gwillimbury, the Township of King, the Township of Markham, the Township of Vaughan, the Township of Whitchurch and the Police Village of Thornhill.

Idem

(2) Each committee shall consist of one or more treasurers designated by the Minister representing municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, and the treasurer of the divided municipality whose assets, liabilities or reserve funds are to be considered, or such other person or persons as the Minister may appoint.

Provisional
deter-
mination

(3) Before the 31st day of December, 1970, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1971.

Final
deter-
mination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1970, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1970,
c. 284

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Substantial
hardship

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause

substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred. 1970, c. 50, s. 130.

Documents
and records
of divided
municipalities

RESERVE FUNDS

123.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Reserve
funds of
municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. 1970, c. 50, s. 131.

Idem

124.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve
funds,
establishment

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

Investments
and income

R.S.O. 1970,
c. 470

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Expenditure
of reserve
fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. 1970, c. 50, s. 132.

Auditor to
report on
reserve
funds

TEMPORARY LOANS

Current
borrowings

125.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and financial officer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary
application
of estimates
of preceding
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1971 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

Protection
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of
promissory
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the financial officer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of
charge

(6) The Regional Council may by by-law provide or authorize the chairman and financial officer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution
of agree-
ments

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and financial officer.

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalties for excess borrowings

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for misapplication of revenues by Regional Council

(10) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for misapplication of revenues by officials

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. 1970, c. 50, s. 133.

Saving as to penalties

R.S.O. 1970, c. 118

DEBT

126.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

Debt
R.S.O. 1970, c. 323

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities;

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Liability

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1970, power to issue debentures.

Limitation

Uncom-
pleted works

(4) When an area municipality, prior to the 31st day of December, 1970,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*, being chapter 274 of the Revised Statutes of Ontario, 1960; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 129, and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments
R.S.O. 1970,
c. 470

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*. 1970, c. 50, s. 134.

Power to
incur
debt or
issue deben-
tures
R.S.O. 1970,
c. 323

127.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 126 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*. 1970, c. 50, s. 135.

Hearing

128.—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the Regional Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

(2) Notice of the hearing shall be given to the officer of the Regional Corporation appointed under section 19 and to the clerk of each area municipality in such manner as the Municipal Board may direct. Notice

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation. Dispensation with hearing

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Regional Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing. 1970, c. 50, s. 136. Idem

129.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan. Borrowing pending issue and sale of debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advances or loan to the area municipality. Idem

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan. Interest on proceeds transferred

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequent- Application of proceeds of loan

ly sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 141, shall be transferred to the area municipality.

Hypothecation not to prevent subsequent sale of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. 1970, c. 50, s. 137.

Principal and interest payments

130.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy against area municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by area municipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Levies a debt

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

(8) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged, or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

By-law to
change mode
of issuing
debentures

(9) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Debentures
when to be
dated and
issued

(10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Date of
debentures

(11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Idem

(12) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Extension
of time
for issue

(13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Application
after time
expired

(14) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Effective
date

(15) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolida-
tion

Consolidating
debenture
by-laws
R.S.O. 1970,
c. 284

Redemption
before
maturity

(16) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

(17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(18) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

(19) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Annual
rates

(20) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding $3\frac{1}{2}$ per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Principal
levies

(21) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

Consolidated
bank
accounts

- (a) the financial officer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

Sinking
fund
committee

(23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Alternate
members

(24) The financial officer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in

Chairman

his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

R.S.O. 1970,
c. 284

Quorum

(26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of
sinking fund
assets

(27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

With-
drawals
from bank
accounts

(28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(29) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem

(30) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1970,
c. 470

- (a) in securities in which a trustee may invest under *The Trustee Act*;
- (b) in debentures of the Regional Corporation;
- (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
- (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of
securities
with
Treasurer
of Ontario

(31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities by
Treasurer
of Ontario

(32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 31 only upon the direction in writing of the sinking fund committee.

(33) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking fund accounts

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by, Earnings credited to sinking fund account

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(35) The financial officer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(36) If the financial officer of the Regional Corporation contravenes subsection 21 or 35, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. Offence

(37) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area muni-

pality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40. 1970, c. 50, s. 138.

When rate of
interest may
be varied

131.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;

- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 129 shall not constitute a sale or other disposal thereof.

Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. 1970, c. 50, s. 139.

Special assessment and levies

132.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 1970, c. 50, s. 140.

When to take effect

133.—(1) Subject to section 132, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Until debt paid certain by-laws cannot be repealed

Application
of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. 1970, c. 50, s. 141.

Offence for
neglect of
officer to
carry out
by-law

134. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. 1970, c. 50, s. 142.

Money
by-laws
may be
registered

135.—(1) Within four weeks after the passing of a money by-law, the officer appointed under section 19 may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office.

Application
to quash
registered
by-law,
when to be
made

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

R.S.O. 1970,
cc. 323,
136, 255

Time when
by-law to
be valid
and binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsec-

tion 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 127, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 130 have not been substantially complied with.

Illegal
by-laws not
validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. 1970, c. 50, s. 143.

Failure to
register

136.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the financial officer.

Debentures,
how sealed
and
executed

(2) A debenture may have attached to it interest coupons that shall be signed by the financial officer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the financial officer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Interest
coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the financial officer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Mechanical
reproduc-
tion of
signatures

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the financial officer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the financial officer, as the case may be, and is binding upon the Regional Corporation.

Effect of
mechanical
repro-
duction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons

Sufficiency
of signatures

provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. 1970, c. 50, s. 144.

Debentures on which payment has been made for one year to be valid

137. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. 1970, c. 50, s. 145.

Mode of transfer may be prescribed

138.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the financial officer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

 of

the financial officer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements as to endorsing certificate of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the financial officer.

Transfer by entry in Debenture Registry Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book as and when a

transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors. 1970, c. 50, s. 146.

139. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. 1970, c. 50, s. 147.

Replace-
ment of
lost debentures

140.—(1) On request of the holder of any debenture issued by the Regional Corporation, the financial officer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of
debentures

(2) On the request of the sinking fund committee, the financial officer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request
of sinking
fund
committee

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debentures of
same force
and effect
as debentures
surrendered

(4) The financial officer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. 1970, c. 50, s. 148.

Debentures
surrendered
for exchange
to be
cancelled

141.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Application
of proceeds
of debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Idem

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

Surplus

(a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one

or more of the debentures having the latest maturity date; or

- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. 1970, c. 50, s. 149.

Use of
proceeds of
sale of asset
acquired
from pro-
ceeds of
sale of
debentures

142. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 141 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold. 1970, c. 50, s. 150.

Tenders for
debentures

143. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. 1970, c. 50, s. 151.

Accounts,
how to be
kept

144.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

- (i) an additional account for the interest, if any, and
- (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. 1970, c. 50, s. 152.

Consolidated
interest
account

145. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal. 1970, c. 50, s. 153.

Application
of surplus
money

146.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability of
members

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Action by
ratepayer

(3) The members who vote for such application are disqualified from holding any municipal office for two years. 1970, c. 50, s. 154.

Disquali-
fication

147. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

Refinancing
of debentures

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in

substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;

- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase. 1970, c. 50, s. 155.

ASSETS

Disposal
of assets

148. In the year 1970, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000. 1970, c. 50, s. 156.

PART X

GENERAL

Application
of R.S.O.
1970, c. 284

149.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254, paragraphs 3 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Deemed city
under R.S.O.
1970, c. 284

(2) For the purposes of subsection 2 of section 466 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections,
annexations
and amalga-
mations

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Nuisances,
entertainment
expenses,
etc.

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraph 120 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

Delegation
of approvals
or consents

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 40, subsection 1 of section 55, subsection 2 of section 56 and subsection 2 of section 70

as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

(6) For the purposes of *The Construction Safety Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed
county for
R.S.O. 1970,
c. 81

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 88 of *The Liquor Licence Act*.

Deemed
municipality
R.S.O. 1970,
c. 250

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971, until repealed by the council of an area municipality as it affects such area municipality. 1970, c. 50, s. 158.

By-laws

150.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

Emergency
measures,
civil defence

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect.

R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*;

Powers of
Regional
Council re
emergency
measures

R.S.C. 1952,
c. 288
R.S.O. 1970,
c. 145

- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
 - (e) for obtaining and distributing emergency materials, equipment and supplies; and
 - (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.
- 1970, c. 50, s. 159.

Expenditures for diffusing information

151. The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years. 1970, c. 50, s. 160.

Grants to persons engaged in work advantageous to Regional Area

152. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 114, to institutions, associations and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act. 1970, c. 50, s. 161.

Payment of damages to employees

R.S.O. 1970, c. 505

153. Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. 1970, c. 50, s. 162.

Investigation by county judge of charges of malfeasance

154.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public

business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

R.S.O. 1970,
c. 379

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable
to judge
R.S.O. 1970,
c. 228

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging
counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Idem

155.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

Commission
of inquiry

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

When com-
mission may
issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Expenses of
commission

156. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other

Entry on
highways,
etc.

public communications shall be restored to their original condition without unnecessary delay. 1970, c. 50, s. 165.

Agreements
re services

157. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of the respective officers, employees and equipment. 1970, c. 50, s. 166.

Application
of R.S.O.
1970, c. 32

158.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional
Corporation
and area
municipali-
ties not
deemed
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpreta-
tion

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof. 1970, c. 50, s. 167.

Executions
against
Regional
Corporation

159.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the financial officer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same

as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of York (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. 1970, c. 50, s.168.

Functions
of clerk,
assessors and
collectors

160.—(1) The Corporation of the County of York is dissolved on the 1st day of January, 1971.

Counties
dissolved

(2) All the assets and liabilities of the County of York become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of York shall be transferred to the officer appointed under section 19. 1970, c. 50, s. 169.

Assets and
liabilities

Roads com-
mission
dissolved

161.—(1) The Toronto and York Roads Commission is hereby dissolved on the 1st day of January, 1971.

Assets and
liabilities

(2) All the assets and liabilities of The Toronto and York Roads Commission become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commission shall be transferred to the officer appointed under section 20. 1970, c. 50, s. 170.

Adjustment
of assets,
etc.

162.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 11 of section 14 of *The Municipal Act* in relation to the dissolution of the County of York and The Toronto and York Roads Commission under this Act.

R.S.O. 1970,
c. 284

Disputes

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power. 1970, c. 50, s. 171.

R.S.O. 1970,
c. 323

Conditional
powers

163. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the intent and purposes of this Act. 1970, c. 50, s. 172.

Conflict
with other
Acts

164. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. 1970, c. 50, s. 173.

Municipal
buildings

165.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application
of R.S.O.
1970, c. 284
s. 256

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. 1970, c. 50, s. 174.

Interpreta-
tion

166.—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind.

(2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities.

Agreement

(3) For the purposes of an agreement under subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste.

Waste disposal sites

(4) A by-law passed under paragraph 116 of subsection 1 of section 354 of *The Municipal Act* does not apply to the Regional Corporation

Application, land use by-laws

(5) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. 1970, c. 50, s. 175.

Acquisition of land for waste disposal

167. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. 1970, c. 50, s. 176.

Regional Fire Co-ordinator

168.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1970, form part of a town, village or township municipality or police village, shall be deemed to continue to form part of a town, village or township municipality or police village. 1970, c. 132, s. 1 (1).

Existing speed limits continued R.S.O. 1970, c. 202

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control 1970, c. 50, s. 177 (2).

By-laws of Regional Council and area councils

(3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act*, being chapter 172 of the Revised Statutes of Ontario, 1960, that applied, on the 31st day of December, 1970, to any highway or portion thereof within the

Existing speed limits continued

Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under section 82 of *The Highway Traffic Act* applies thereto. 1970, c. 50, s. 177 (3); 1970, c. 132, s. 1 (2).

R.S.O. 1970,
c. 202

Application
of R.S.O.
1970, c. 354,
s. 108

169.—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 108 of *The Power Commission Act*.

Vaughan
Township
Council to
be hydro-
electric com-
mission for
1971
R.S.O. 1970,
c. 390

(2) The members of the council of the Township of Vaughan as it exists on the 31st day of December, 1970, shall, for the year 1971, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Township of Vaughan Hydro-Electric System to be known as The Hydro-Electric Commission of the Township of Vaughan which shall be deemed to be a local board of the area municipality of the Town of Vaughan, and all rights and obligations of the Township of Vaughan in relation to the Township of Vaughan Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Township of Vaughan.

Trustees of
King City
to be hydro-
electric com-
mission for
1971

(3) The trustees of the Police Village of King City as it exists on the 31st day of December, 1970, shall, for the year 1971, be deemed to be a commission established under Part III of *The Public Utilities Act* for the King City Hydro-Electric System to be known as The Hydro-Electric Commission of King City which shall be deemed to be a local board of the area municipality of the Township of King, and all rights and obligations of the trustees of the Police Village of King City relating to the King City Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of King City.

Powers of
utilities
commissions
transferred
to area
municipality
or Regional
Corporation

(4) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the Regional Area are continued for the year 1971 as local boards of the area municipality in which they have jurisdiction and the powers and duties of every such public utilities commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the Regional Corporation as required by this Act.

Distribution
of electrical
power

(5) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area.

Members of
commissions
continued in
office

(6) The members of a public utilities commission or a hydro-electric commission referred to in subsections 2, 3 and 4 including *ex officio* members, who held office on the 26th day of June, 1970,

shall continue to hold office until the 1st day of January, 1972, and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

(7) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 4, are hereby dissolved on the 1st day of January, 1971, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission. Commissions dissolved

(8) A person who is a member of a commission referred to in this section is not disqualified under clause *h* of subsection 1 of section 36 of *The Municipal Act* to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission. Members of commission not disqualified as members of Council R.S.O. 1970, c. 284

170. The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*. 1970, c. 50, s. 179. Recreation and parks management board R.S.O. 1970, cc. 111, 73

171.—(1) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*, being chapter 362 of the Revised Statutes of Ontario, 1960 and section 84 of *The Separate Schools Act*, being chapter 368 of the Revised Statutes of Ontario, 1960, Election

- (a) the polling day for the members of The York County Board of Education and of The York County Roman Catholic Separate School Board in the year 1970 shall be the 5th day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area; and
- (b) the minister shall by order fix the days, times and places for the nomination of candidates for The York County Board of Education and for The York County Roman Catholic Separate School Board in the year 1970 and provide for the holding of the nomination meetings,

and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply to the election of the members of The York County Board of Education and the provisions of *The Separate Schools Act* apply to the election of the members of The York County Roman Catholic Separate School Board. R.S.O. 1970, cc. 362, 368

Idem
R.S.O. 1970,
cc. 362, 368

(2) Notwithstanding such section 92 of *The Secondary Schools and Boards of Education Act* and such section 84 of *The Separate Schools Act*, any reference in such sections to the 1st day of September shall be considered to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such sections shall be advanced by thirty days. 1970, c. 50, s. 180, *amended*.

Application
of R.S.O.
1960, c. 249,
s. 245

172.—(1) Section 245 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1970.

Deemed
townships
under
R.S.O. 1970,
c. 284, s. 376

(2) The area municipalities of Aurora, Markham, Newmarket, Richmond Hill, Vaughan and Whitchurch-Stouffville shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 376 of *The Municipal Act*. 1970, c. 50, s. 181.

Expendi-
tures of
Regional
Corporation
during 1970

173. The expenditures of the Regional Corporation during the year 1970, as approved by the Department, shall be paid out of the Consolidated Revenue Fund. 1970, c. 50, s. 182.

FORM 1

(Section 9 (6))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of York, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

1970, c. 50, Form 1.

FORM 2

(Section 9 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of York declare that:

- 1. I am a British subject and am not a citizen or a subject of any foreign country.
- 2. I am of the full age of twenty-one years.
- 3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
- 4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of York or any local board thereof or any area municipality or local board thereof.
- 5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

1970, c. 50, Form 2.

CHAPTER 409

The Registry Act

1. In this Act,

Interpre-
tation

- (a) “certificate of amalgamation of loan corporations” includes a copy certified under the hand of the Registrar of Loan and Trust Corporations of the certificate of assent and declaration referred to in section 111 of *The Loan and Trust Corporations Act* and of any document mentioned in such certificate and a certificate issued for the purpose of registration under any Act of the Legislature authorizing or ratifying an agreement for the purchase and sale of the assets, or for the amalgamation of loan corporations; R.S.O. 1970,
c. 254
- (b) “Director” means the Director of Land Registration appointed under section 6;
- (c) “instrument” includes every instrument whereby land in Ontario may be transferred, disposed of, charged, encumbered or affected in any other way, and, without limiting the generality of the foregoing, includes any instrument mentioned in subsection 6 of section 18 and a Crown grant of Canada and of Ontario, a deed, conveyance, mortgage, notice of sale by a mortgagee, assignment of mortgage, certificate of discharge of mortgage, assurance, lease, bond, release, discharge, agreement for the sale or purchase of land, caution under *The Devolution of Estates Act* or renewal or withdrawal thereof, municipal by-law, certificate of proceedings in any court, judgment or order of foreclosure and every other certificate of judgment or order of any court affecting any interest in or title to land, and a certificate of payment of taxes granted under the corporate seal of any municipality by the treasurer, a sheriff’s and treasurer’s deed of land sold by virtue of his office, a contract in writing, every order and proceeding in bankruptcy and insolvency, a plan of a survey or subdivision of land, and every notice, caution and other instrument registered in compliance with an Act of Canada or Ontario; R.S.O. 1970,
c. 129
- (d) “land” means land, tenements, hereditaments and appurtenances and any estate or interest therein;
- (e) “letters probate” includes letters testamentary or a similar grant based on a will proven before a court having jurisdiction in probate matters outside Ontario;

- (f) "local description" means a description of land drawn in accordance with the regulations;
- (g) "Minister" means the Minister of Justice and Attorney General;
- (h) "notarial" includes prothonotarial;
- (i) "photographic film" includes any photographic plate, microphotographic film or photocopy negative;
- (j) "plan of subdivision" means a plan by which the owner of land divides the land into areas designated on the plan, but does not include a plan under *The Cemeteries Act* or *The Expropriations Act* or any predecessor of such Acts;
- (k) "prescribed" means prescribed by this Act or the regulations;
- (l) "registered" means registered under this Act;
- (m) "regulations" means the regulations made under this Act;
- (n) "surveyor" means a member of the Association of Ontario Land Surveyors who is authorized under *The Surveyors Act* to engage in the practice of professional land surveying in Ontario;
- (o) "will" means a will as defined in *The Wills Act*. 1966, c. 136, s. 1; 1968-69, c. 109, s. 1; 1970, c. 40, s. 1, *amended*.

R.S.O. 1970,
cc. 57, 154

R.S.O. 1970,
c. 452

R.S.O. 1970,
c. 499

Minister of
Justice and
Attorney
General

2. The Minister of Justice and Attorney General is responsible for the administration of this Act. 1968-69, c. 109, s. 2.

PART I

Application
of
R.S.O. 1970,
c. 234

3. Subject to *The Land Titles Act*, after a certificate of the first registration of the owner under that Act has been registered as prescribed by that Act, this Act ceases to apply to the land mentioned in the certificate. R.S.O. 1960, c. 348, s. 2.

Change of
boundaries
of ridings
not to affect
registry
divisions

4.—(1) Subject to the provisions of this Act and except where otherwise expressly provided in any general or special Act or Order in Council, the registry divisions as they existed on the 14th day of April, 1925, are the registry divisions of the Province of Ontario for the purposes of this Act and no alterations in the boundaries of any riding, electoral district or municipality alters or affects the boundaries of any registry division. R.S.O. 1960, c. 348, s. 4 (1).

- (2) The Lieutenant Governor in Council may, by regulation, Changes in registry divisions
- (a) combine two registry divisions into one registry division;
 - (b) divide a registry division into two or more registry divisions;
 - (c) annex a part of a registry division to an adjoining registry division;
 - (d) annex to a registry division land that is not part of any registry division; or
 - (e) designate the names by which registry divisions shall be known,

but there shall be at least one registry office for each county or district described in section 1 of *The Territorial Division Act*. 1964, c. 102, s. 3; 1965, c. 116, s. 1; 1968-69, c. 109, s. 3; R.S.O. 1970, c. 458 1970, c. 40, s. 2.

5.—(1) Where a registry division includes the whole or part of the county or district town, the registry office shall be situate therein and, in other cases, shall be situate at such place as the Lieutenant Governor in Council may direct. Situation of office R.S.O. 1960, c. 348, s. 5 (1).

(2) Subsection 1 does not apply to a registry office that is in a county or district court house or administration building located outside the county or district town. Exception 1968, c. 116, s. 1 (1).

6.—(1) The Lieutenant Governor in Council may appoint a barrister or solicitor to be the Director of Land Registration. Director of Land Registration

(2) The Director of Land Registration has general supervision and control over registry offices and the system for registration therein. Duties

(3) The Director of Land Registration shall have a seal of office in such form as the Lieutenant Governor in Council approves. Seal 1968-69, c. 109, s. 4, *part*.

7. The Lieutenant Governor in Council may appoint an Assistant Director of Land Registration, and the person so appointed shall act under the supervision of the Director of Land Registration or shall act as Director in the absence of the Director, and when so acting the Assistant Director of Land Registration has the powers and shall perform the duties of the Director of Land Registration under this or any other Act. 1968-69, c. 109, s. 4, *part*. Assistant Director of Land Registration

REGISTRARS

Registrars,
appointment

8. There shall be a registrar for every registry division who shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure. R.S.O. 1960, c. 348, s. 7.

Registrar's
seal

9. Every registrar shall have a seal of office to be approved of by the Director. R.S.O. 1960, c. 348, s. 8, *amended*.

Appointment
of deputies

10.—(1) The registrar may by writing under his hand and seal of office appoint a deputy or deputies who may perform all the duties required under this Act in the same manner and to the like effect as if done by the registrar. R.S.O. 1960, c. 348, s. 12 (1).

Senior
deputy

(2) Where a registrar has more than one deputy, he shall, with the approval of the Director, designate one of the deputies as his senior deputy. 1966, c. 136, s. 3, *amended*.

Temporary
registrar

(3) Where the office of registrar becomes vacant,

(a) the deputy registrar; or

(b) if there is more than one deputy registrar, the senior deputy registrar; or

(c) if there is no deputy registrar, a person employed in a registry office and designated by the Director,

may exercise the powers and shall perform the duties of the registrar until a registrar is appointed. 1970, c. 40, s. 3.

Temporary
officer to be
responsible

(4) The registrar *pro tempore* is answerable for the execution of the office during such interval, and any security given by the registrar is security for the due and faithful performance of the duties of his office by the registrar *pro tempore*. R.S.O. 1960, c. 348, s. 12 (3).

Oath of
office,
registrar

11. Every registrar and deputy registrar, before he enters on the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Director. 1962-63, c. 124, s. 4, *amended*.

Restrictions
on actions
of registrars,
deputies,
etc.

12.—(1) No registrar or deputy registrar or clerk in his office shall, directly or indirectly, act as the agent of any corporation or person investing money or taking security on land within his registry division, nor advise, for fee or other reward, or otherwise, upon titles to land, or practise as a conveyancer, or act as an agent for the sale of land, within his registry division, nor shall he carry on or transact within the registry office any other business or occupation whatever.

Idem

(2) No registrar, deputy registrar or clerk in a registry office shall personally or as a member of a firm carry on a loaning

business or be in any way connected with a firm that transacts business with the office of the registrar. R.S.O. 1960, c. 348, s. 14 (1, 2).

13. The work of the office shall be conducted and carried on under the direction and immediate supervision of the registrar. R.S.O. 1960, c. 348, s. 15.

Work in registry office to be supervised by registrar

14.—(1) In this section, “holiday” means,

(a) a holiday as defined in *The Interpretation Act*;

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the registry office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Holiday defined
R.S.O. 1970,
c. 225

(2) Except on holidays when they shall be closed, every registry office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon, and no instrument shall be received for registration except within those hours. 1970, c. 40, s. 4.

Office hours

15.—(1) Upon receipt of a request therefor and the prescribed fees, a registrar shall furnish an abstract in the prescribed form in respect of any land that is in his registry division and,

Abstracts

(a) that consists of a lot as described in a patent from the Crown or a lot that appears on a registered plan; or

(b) that consists of an identifiable part of such a lot. 1962-63, c. 124, s. 6, *part*.

(2) Unless the request for an abstract otherwise specifies, the registrar shall not include in the abstract an extract of any instrument that has been marked off the abstract index pursuant to section 65. 1970, c. 40, s. 5.

What not to be included

(3) Where a request for an abstract so specifies, the registrar shall not include in the abstract,

Idem, on request

(a) an extract of a mortgage or of any other instrument dealing exclusively with the mortgage where an instrument purporting to be a discharge of the mortgage has been registered; or

(b) an extract of any instrument of any other class mentioned in the request.

(4) Unless otherwise specified in the request for an abstract, the first instrument to be extracted for the abstract shall be,

Commencement

- (a) the last conveyance registered next before the date forty years before the date of the request; or
- R.S.O. 1970,
c. 396 (b) where there is registered a certificate of title under *The Quieting Titles Act*, such certificate; or
- R.S.O. 1970,
c. 59 (c) where there is registered a certificate of title under *The Certification of Titles Act*, the first instrument registered after the effective date of the certificate.
- Crown grant (5) Where no conveyance of the type mentioned in subsection 4 was registered after the grant of the land from the Crown, the first instrument to be extracted for the abstract shall be the Crown grant.
- Subsequent instruments (6) Except as provided in subsections 2 and 3, an abstract shall include extracts of all instruments affecting the land that were registered after the first instrument mentioned in subsection 4 or after the Crown grant mentioned in subsection 5 and that have been recorded in the abstract index for the land. 1962-63, c. 124, s. 6, *part*.
- Effect of abstract (7) An abstract furnished by a registrar under this section is *prima facie* evidence of the registration of the instruments of which extracts are included in the abstract. 1966, c. 136, s. 4.
- Production of instruments, etc., copies **16.** Upon receipt of a request in writing and the prescribed fees, a registrar,
- (a) shall produce for inspection in his office during office hours any instrument registered in his office or any book of the office relating to any such instrument; and
- (b) shall supply a copy of the whole or a part of any instrument registered in his office. 1962-63, c. 124, s. 6, *part*.
- Registrar to furnish certified copies **17.**—(1) On request of any person, the registrar shall furnish a certified copy, under his hand and seal of office, of any instrument or memorial deposited, registered, or filed and kept in his office. R.S.O. 1960, c. 348, s. 19 (1).
- Production of originals upon order of judge (2) A judge of a court in Ontario may, for the purposes of a hearing, order a registrar to produce any instrument or document in his custody where, in the opinion of the judge, a certified copy thereof is not sufficient. 1964, c. 102, s. 5, *part, amended*.
- Delivery (3) Upon receipt of an order under subsection 2 and the fee prescribed for a certified copy of the instrument or document required by the order to be produced, the registrar shall prepare a certified copy of the instrument or document and deliver the original instrument or document to the person named in the order.
- Substituting a copy (4) The registrar shall attach the order to the certified copy

and shall file the copy in his office in place of the original instrument or document until the original has been returned.

(5) Notwithstanding subsection 2 of section 54 of *The Evidence Act*, an instrument or document produced by a registrar under this section shall be returned to the custody of the registrar after the final disposition of the cause or action to which it pertains. 1964, c. 102, s. 5.

Return of documents to registrar
R.S.O. 1970, c. 151

BOOKS OF OFFICE

18.—(1) The registrar shall keep a by-law index in which he shall enter the registration number of every by-law registered after the 1st day of January, 1963, the number of the by-law, the name of the municipality and the title of the by-law.

By-law index

(2) No by-law that directly affects the title to land shall be registered unless it contains a local description of the land affected.

By-law to contain description of land, exception

(3) A by-law of a municipality may be registered by the production of a duplicate original or a copy of the by-law certified by the clerk of the municipality under its seal. 1962-63, c. 124, s. 7 (2).

Authentication of by-laws

(4) An order of the Ontario Municipal Board or other instrument registered under section 67 shall be recorded in the by-law index.

Order of O.M.B., etc.

(5) No entry in respect of an order of the Ontario Municipal Board or other instrument registered under section 67 or of a by-law shall be made in the general register index. 1965, c. 116, s. 2 (1, 2).

No entry of by-law, etc., in general register

(6) The following instruments when received for registration shall be registered as general registrations and, except as otherwise provided in this Act, shall not be recorded in the abstract index:

General registrations

1. Wills.
2. Letters probate.
3. Letters of administration.
4. General appointments of new trustees.
5. Certificates or certified or notarial copies of judgments or of court orders appointing or removing executors, administrators, guardians or trustees.
6. General certificates of payment of succession duties under *The Succession Duty Act*.
7. Certificates or certified or notarial copies of orders made under *The Mental Incompetency Act*.

R.S.O. 1970, c. 449

R.S.O. 1970, c. 271

R.S.O. 1970,
c. 60

8. Certificates under section 20 of *The Change of Name Act*.

9. Powers of attorney or revocations thereof.

10. General bars of dower.

11. Orders in council of Canada or Ontario, or certified copies thereof, not containing local descriptions.

12. Notarial copies of letters patent or certificates of incorporation or of supplementary letters patent or certificates.

13. Notarial copies of letters patent or certificates changing names of corporations or amalgamating corporations.

14. Notarial copies of certificates of amalgamation of loan or trust corporations.

15. Notarial copies of licences in mortmain.

R.S.O. 1970,
c. 89

16. Notarial copies of extra-provincial licences under Part IX of *The Corporations Act*.

17. Plan Documents under subsection 9 of section 78.

R.S.O. 1970,
c. 267

18. Claims for lien under *The Mechanics' Lien Act* against land that constitutes the line of railway or right-of-way of a railway company.

General
Register
Index

(7) Every registrar shall keep an alphabetical index in the prescribed form of all general registrations, to be known as the "General Register Index".

Separate
index

(8) The Director may, by written direction, require a registrar to prepare and maintain a separate alphabetical index for any class of general registrations.

Books, etc.,
Crown
property

(9) All books, indexes, photographic film reproductions and other records used and kept in and for the purposes of a registry office are the property of the Crown. 1966, c. 136, s. 5 (4), *amended*.

Preservation
of
abstract
books, etc.

19.—(1) It is the duty of every registrar to preserve the abstract index books and other records of his office in good repair.

Copying
and repair
of books,
etc.

(2) A registrar may, when he considers it necessary, and shall, when so directed by the Director, cause,

(a) any book that is becoming obliterated or unfit for further use to be manually or mechanically copied or reproduced and, where portions of the entries in the book are missing, obliterated or cannot be deciphered, the missing details to be obtained, so far as possible, by examination of the instruments relating thereto and incorporated in the copy;

- (b) plans and maps to be copied, repaired, restored, mounted, bound or otherwise preserved; and
- (c) any book to be repaired,

in a manner approved by the Director.

(3) Where a book is copied or reproduced under clause *a* of subsection 2, the registrar shall certify the correctness of the copy. Copy to be certified

(4) The certificate of a registrar under subsection 3 is, to the extent specified in the certificate, *prima facie* evidence that the copy is a true copy of the original book, and such certified copy shall be accepted and received as the original, but the registrar shall nevertheless carefully preserve the original book and produce it upon demand. 1966, c. 136, s. 7. Effect of certificate

(5) The Director may order as many counterparts or copies of any abstract index book to be made as he considers necessary for the public convenience, and may order new abstract indexes to be made when the indexes in use have become complicated or otherwise inconvenient. R.S.O. 1960, c. 348, s. 26 (4), *amended*. Director may order duplicate or new abstract indexes

(6) When an abstract index is to be recopied, every instrument entered in the abstract index, whether ruled off or not, shall be recopied and the registrar shall carefully preserve such abstract index which shall be available for inspection as in the case of current indexes. R.S.O. 1960, c. 348, s. 26 (6). Recopying of abstract index

20.—(1) The registrar, in a book in the prescribed form, called the “Abstract Index”, shall enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or that appears on any registered plan of subdivision, judge’s plan or municipal plan under section 89. R.S.O. 1960, c. 348, s. 29 (1); 1962-63, c. 124, s. 11; 1970, c. 40, s. 10. Abstract index of lots

(2) Every instrument, other than an order of the Ontario Municipal Board or other instrument registered under section 67 or a will or power of attorney, that mentions such parcel or lot of land or other subdivision, the names of every party to the instrument and the nature of it, the registration number for each municipality in which land mentioned therein is situate, and the day, month and year of its registration, the consideration or mortgage money mentioned in it, and such a description of the land therein mentioned as will readily identify its location, shall, in addition to all entries required by law, be entered by the registrar in the abstract index in regular order under the proper heading of each separate parcel or lot of land. R.S.O. 1960, c. 348, s. 29 (2); 1964, c. 102, s. 7; 1965, c. 116, s. 3. Entries

Alphabetical
index

21. Subject to the regulations, the registrar shall keep an alphabetical index of names in the prescribed form and containing such information as is prescribed. 1962-63, c. 124, s. 12.

INSTRUMENTS THAT MAY BE REGISTERED

Instruments
that may be
registered

22.—(1) Except as otherwise provided in and subject to this Act and the regulations, any instrument within the meaning of clause *c* of section 1 and any other instrument specifically permitted to be registered under Part I of this Act may be registered.

Delivery of
instruments
to registrar

(2) Unless otherwise provided in this Act, any instrument that may be registered shall be registered upon and by delivery to and deposit with the registrar of the instrument or of an executed duplicate or other original part thereof with all necessary affidavits. 1966, c. 136, s. 8, *part*.

Unpatented
Crown lands

(3) Subject to subsection 4, the registration of an instrument purporting to affect unpatented Crown land or land that has the status of unpatented Crown land has no effect under this Act. 1970, c. 40, s. 11.

Exceptions

(4) Subsection 3 does not apply,

(a) to a mortgage or other encumbrance made by the original nominee of the Crown or by a person through whom a person obtaining a grant of land from the Crown derived title, or to a lien affecting the land;

R.S.O. 1970,
cc. 201, 380

(b) to a plan of Crown land made under *The Highway Improvement Act*, *The Public Lands Act* or any other Act of Ontario;

R.S.O. 1970,
cc. 274, 380

(c) to a lease of Crown land or of an interest therein or of any interest of the Crown in land under *The Mining Act* or *The Public Lands Act*;

(d) in the case of an instrument purporting to affect land, which when the instrument was registered was unpatented Crown land, if,

(i) a patent of the land is subsequently registered, or

(ii) a notice, which was issued by any competent governmental authority, in existence before or after the creation of the Province of Ontario, and which stated that the land was patented, is recorded in the registry office;

(e) to an instrument affecting land that was unpatented Crown land at the time of registration of the instrument, where the instrument,

(i) was registered in compliance with an Act of Ontario, or

(ii) was registered as contemplated by an Act of Ontario and the instrument was either executed or

approved on behalf of the Crown by a Minister or other person authorized by law so to do; or

- (f) to a licence of occupation for the purpose of a pipe line as defined in *The Ontario Energy Board Act*, if the licence is accompanied by an affidavit of the licensee or his solicitor or, where the licensee is a corporation, an officer of or solicitor for the corporation stating that the land affected by the licence is to be used for that purpose, or to any instrument affecting a registered licence of occupation. 1966, c. 136, s. 8, *part*; 1968-69, c. 109, s. 5 (1). R.S.O. 1970,
c. 312

(5) An instrument purporting to affect land covered by water shall not be registered unless the registry division in which the land is situate can be readily ascertained from the instrument. 1966, c. 136, s. 8, *part*. Water lots,
etc.

(6) A notice of an unregistered instrument or of an interest or claim dependent upon or arising out of an unregistered instrument shall not be registered under this Act. Notice of
unregistered
interest

(7) Notwithstanding subsections 2 and 6, a notice of, Leases

- (a) a lease;
- (b) a sublease;
- (c) an assignment of a lease;
- (d) a mortgage of a lease;
- (e) an assignment of the lessor's interest in a lease; or
- (f) a determination or surrender of a lease,

may be registered if it complies with the regulations. 1968-69, c. 109, s. 5 (2).

23.—(1) An instrument that does not contain a local description of the land affected thereby shall not be registered, unless, When local
description
required

- (a) the instrument is a plan;
- (b) the instrument is to be registered as a general registration under subsection 6 of section 18;
- (c) the instrument is a by-law that does not directly affect title to land;
- (d) the instrument is a certificate of discharge purporting to completely discharge a mortgage to which subsection 5 of section 54 does not apply;
- (e) the instrument has securely attached to it a declaration in the prescribed form made by a party to the instrument or by his solicitor, or by his attorney under registered power of attorney, or by the heirs, executors or administrators of a party to the instrument, or, where

the party is a corporation, by an officer thereof, stating that the instrument affects land within the registry division, and containing a local description; or

- (f) the instrument is a judgment or order of the court or of a judge, or a certificate or certified or notarial copy of such judgment or order, and has securely attached to it a declaration in the prescribed form, made by one of the parties to the action or by his solicitor, stating that the instrument affects land within the registry division, and containing a local description.

Idem

(2) A registered instrument may be recorded or further recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in clauses *e* and *f* of subsection 1. 1966, c. 136, s. 9, *part*.

Interpretation

24.—(1) In this section, “easement” means an easement, right-of-way, right or licence in the nature of an easement, *profit à prendre* or other incorporeal hereditament, but does not include such an easement arising by operation of law. 1966, c. 136, s. 9, *part*.

Easements,
etc.
R.S.O. 1970,
c. 85

(2) Notwithstanding section 15 of *The Conveyancing and Law of Property Act* or any rule of law, an instrument purporting to convey an easement, made after the 1st day of January, 1967, does not, as against a *bona fide* purchaser who, for valuable consideration and without actual notice, purchases the servient tenement after the registration of the instrument, convey to the grantee any interest in the easement unless a local description of the affected part of the servient tenement is contained in the instrument by which the conveyance is made. 1966, c. 136, s. 9, *part, amended*.

Affidavit
of witness

25.—(1) An instrument shall not be registered unless accompanied by an affidavit in the prescribed form of a subscribing witness, not being a party to the instrument, as to the execution of the instrument by each party, including a guarantor or surety, who appears to have executed it. 1964, c. 102, s. 11, *part*.

Where not
required

(2) Subsection 1 does not apply to,

- (a) a will;
- (b) a grant or lease from the Crown;
- (c) an order in council;
- (d) an instrument that purports to be executed by an officer of the Government of Ontario or of Canada;
- (e) the execution of an instrument by a corporation under its seal;
- (f) a by-law of a municipality;

- (g) a certificate of judicial proceedings;
- (h) a plan or a plan and description in respect of expropriated land;
- (i) an instrument under section 3 or 6 of *The Highway Improvement Act*; R.S.O. 1970, c. 101
- (j) a consent under section 29 of *The Planning Act*; R.S.O. 1970, c. 349
- (k) a copy of an instrument certified under section 34;
- (l) a sworn or notarial copy of an instrument where such copy may be registered;
- (m) a statutory declaration;
- (n) a tax arrears certificate, redemption certificate or vacating certificate under *The Department of Municipal Affairs Act*; R.S.O. 1970, c. 118
- (o) a tax sale notice or redemption receipt under *The Assessment Act*; R.S.O. 1970, c. 32
- (p) a notice or certificate under subsection 5 of section 2 of *The Municipal and School Tax Credit Assistance Act*. R.S.O. 1970, c. 285
1964, c. 102, s. 11, *part*; 1968-69, c. 109, s. 7.

(3) The affidavit shall be made on or securely attached to the instrument. Idem

(4) An instrument may be registered notwithstanding that the given name or names of the subscribing witness making the affidavit is or are only set forth therein by initials or abbreviation and not in full. R.S.O. 1960, c. 348, s. 34, (2, 3).
Name of witness need not be set forth in full in affidavit

26. An instrument not purporting to convey the land therein mentioned, but which in its nature is, or purports to be, given as a security for the payment of a debt or liability incurred by the person executing it in respect of a purchase or delivery of goods or in respect of an advance or loan of money, shall not be registered unless an affidavit in the prescribed form is made on or securely attached to the instrument. 1962-63, c. 124, s. 15.
Affidavit of execution in case of instruments given in respect of purchase or delivery of goods

27.—(1) Every registrar and deputy registrar of deeds is *ex officio* a commissioner for taking affidavits for use under this Act and relating to land in his registry division. Registrar and deputy registrar may administer oath

(2) Notwithstanding sections 45 and 46 of *The Evidence Act*, an affidavit, affirmation or declaration sworn, affirmed or made under section 45 or 46 of *The Evidence Act* is not sufficient for the purposes of this Act unless it is admissible in evidence without proof of signature under subsection 2 of section 45 or subsection 3 of section 46 of *The Evidence Act*. 1964, c. 102, s. 12.
Affidavits, etc., made outside Ontario
R.S.O. 1970, c. 151

Affirmation
or declara-
tion in
certain
cases

28. Where under this Act proof for registration is required in the form of an affidavit, the proof may be in the form of an affirmation or solemn declaration complying with section 18 or 44 of *The Evidence Act*, respectively. 1966, c. 136, s. 11.

Parties not
to take
affidavits

29. No person authorized to take affidavits shall take an affidavit of the execution of an instrument to which he is a party; nor shall such an affidavit be taken from a witness unless the witness has subscribed his name in his own handwriting as such witness. R.S.O. 1960, c. 348, s. 38.

Witnesses
to sign

Witnesses
compellable
to make
affidavit

30. Every subscribing witness is compellable, by order of a judge of the Supreme Court or of a county or district court, to make affidavit or proof of the execution of an instrument for the purpose of registration, and to do all other acts necessary for that purpose, upon being paid or tendered his reasonable expenses therefor. R.S.O. 1960, c. 348, s. 39.

Judge may
dispense
with
affidavit
of witness

31. Where an instrument that is otherwise capable of registration is not accompanied by an affidavit of execution as required by this Act or is accompanied by an incomplete or defective affidavit of execution, any person who is or claims to be interested in the registration of the instrument may make proof before a judge of any county or district court of the execution of the instrument, and, where a certificate in the prescribed form is endorsed on the instrument and signed by the judge, the certificate shall be received in lieu of the affidavit. 1966, c. 136, s. 12.

Seal of court
or seal of
corporation
with signa-
ture of
officer to
suffice for
registration

32.—(1) The seal of a court of record affixed to an instrument of itself, and the seal of a corporation affixed to an instrument with the signature purporting to be the signature of the presiding officer, vice-president, manager, director, secretary, treasurer, attorney or other authorized person is sufficient evidence, for the purpose of registration, of the due execution of the instrument by the judge, or the officer of the court signing it, or by the corporation. R.S.O. 1960, c. 348, s. 41.

Proof of
execution by
attorney for
corporation
R.S.O. 1970,
cc. 89, 53
R.S.C. 1952,
c. 53

(2) Where an attorney empowered under section 311 of *The Corporations Act*, section 19 of *The Business Corporations Act*, or section 22 of the *Corporations Act* (Canada) executes an instrument under his seal on behalf of a corporation, subsection 1 of section 25 applies. 1964, c. 102, s. 13.

Judgments
and orders
affecting
land

33.—(1) A judgment or order of a court or judge affecting land, other than an order or certificate endorsed on an instrument, may be registered in the registry office of the registry division in which the land is situate by registering therein.

(a) a certificate signed by the proper officer of the court setting forth the substance and effect of the judgment or order;

- (b) a copy of the judgment or order certified as such by the proper officer of the court;
- (c) the original judgment or order under the seal of the court; or
- (d) a notarial copy of the original judgment or order, certified copy or certificate, if the original judgment or order, certified copy or certificate is produced to the registrar with the notarial copy for verification of the correctness of the notarial copy. 1962-63, c. 124, s. 17, *part*; 1964, c. 102, s. 14; 1966, c. 136, s. 13 (1).

(2) No judgment or final order of foreclosure of a mortgage shall be registered except by way of a certificate thereof, under the seal of the court, that includes a local description and a reference to the registration number of the mortgage. 1962-63, c. 124, s. 17, *part*.

Number of mortgage to be included in certificate of foreclosure

(3) An order discharging a mechanic's lien or vacating a certificate of action under *The Mechanics' Lien Act* shall be registered by registering the order or a certificate thereof, under the seal of the court, that includes a local description and reference to the registration number of every registered claim for lien and certificate of action affected thereby. 1966, c. 136, s. 13 (2), *amended*.

Number of mechanic's lien to be included in order discharging, etc.
R.S.O. 1970, c. 267

34. There may be registered,

- (a) a copy of an instrument certified under the hand and seal of the registrar, proper master of titles or clerk of a county or district court in whose office the instrument is registered; or
- (b) a copy of a power of attorney or other instrument executed by a corporation that confers upon any person authority to act for the corporation if the copy is certified by the proper officer of any department of the Government of Canada or Ontario in whose office the power of attorney or instrument is deposited; or
- (c) a copy of an instrument registered under *The Corporation Securities Registration Act*, certified by the Minister under that Act. 1962-63, c. 124, s. 18; 1970, c. 40, s. 12.

Registration of certified copies, powers of attorney, etc.

R.S.O. 1970, c. 88

35. A copy of an instrument deposited under Part II of this Act or under *The Custody of Documents Act*, being chapter 85 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, certified by the registrar in whose office the instrument is deposited, may be registered subject to the proof for registration required by this Act. 1964, c. 102, s. 15.

Registration of deposits

36. A notarial copy of an instrument executed in the Province of Quebec, the original of which is filed in a notarial office according to the law of Quebec, and a prothonotarial copy of an

Registration of notarial copies of instruments executed in Quebec

instrument executed in Quebec may be registered and shall be treated under this Act for all purposes as if it were the original instrument, and such notarial or prothonotarial copy with the seal of the notary or prothonotary attached shall be registered without any other proof of the execution of the original thereof. R.S.O. 1960, c. 348, s. 44.

Address of
grantee to
be endorsed
on certain
instruments

37. A registrar shall not register,

- (a) a deed or other conveyance;
- (b) an agreement for the sale or purchase of land or an assignment thereof;
- (c) a mortgage or an assignment thereof;
- (d) a lease or an assignment thereof, or a notice of a lease or of an assignment of a lease;
- (e) a claim for a mechanic's lien, or an assignment thereof;
- (f) a notice of a conditional sale contract, or an assignment thereof;
- (g) a certificate of judgment or a final order of foreclosure of a mortgage; or
- (h) a vesting order,

unless there is endorsed on such instrument the place of residence or address for service of each person obtaining or claiming an interest in or in respect of land under the instrument. 1966, c. 136, s. 14.

Registering
instruments
in foreign
languages

38. Where an instrument or an affidavit of execution is written wholly or in part in a language other than English there shall be produced with the instrument or the affidavit of execution a translation into English, together with an affidavit by the translator stating that he understands both languages and has carefully compared the translation with the original and that the translation is in all respects a true and correct translation, and the registrar shall not enter the instrument or affidavit in the language in which it is written but shall copy from the translation. R.S.O. 1960, c. 348, s. 46.

MANNER OF REGISTERING

When
mortgage
to be
recorded
in full

39.—(1) A final order of foreclosure or an instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage that has not been recorded in full shall not be registered until the mortgage and any assignment thereof have been duly registered and recorded in full under subsection 2, and a notation of the date of such recording shall be made in the abstract index opposite the entry of the mortgage and assignment, if any.

(2) Where a mortgage has not been recorded in full, the registrar, upon the application of any person claiming to be interested in the mortgaged land upon payment of the prescribed fee, less the amount already paid for the registration of the mortgage, shall cause the mortgage to be recorded in full by means of photographic film reproduction. 1966, c. 136, s. 16.

Idem

40.—(1) No instrument purporting to be signed or executed by any person by attorney shall be registered unless, at or before the time of registration, the original power of attorney, or a copy thereof certified for registration under section 34, is registered in the same registry office and the date of registration and registration number thereof are indicated in the body or margin of the instrument tendered for registration, but, when the power of attorney or a certified copy thereof cannot be produced, proof may be made before a judge of any county or district court of the execution of the instrument, and, upon a certificate in the prescribed form being endorsed on the instrument and signed by the judge, the registrar shall, if the instrument is otherwise capable of registration, register the instrument and certificate. 1962-63, c. 124, s. 20.

Registration of power of attorney when instrument executed by attorney

(2) Where an instrument, signed or executed by any person by attorney, is registered, the registrar shall enter a note of the fact of such signature or execution by attorney, giving the name of the attorney, on the abstract index and on all abstracts of title thereafter furnished by him relating to the land affected by the instrument.

Special entry to be made when instrument executed by attorney

(3) Subsection 1 does not apply to instruments purporting to be executed by attorneys or commissioners for the Canada Company, the Trust and Loan Company of Canada, the Scottish Ontario and Manitoba Land Company, the North British Canadian Investment Company, the North of Scotland Canadian Mortgage Company, Limited, or the Scottish American Investment Company. R.S.O. 1960, c. 348, s. 49 (2, 3).

Exception

41. Where an instrument in two or more original parts is registered, the registrar shall endorse upon each of the parts a certificate of the registration in the prescribed form, and any part so certified shall be received as *prima facie* evidence of the registration of the instrument and of the due execution of the same. R.S.O. 1960, c. 348, s. 50; 1962-63, c. 124, s. 21.

Instrument in two or more parts

42.—(1) A deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, release or quit claim, or a discharge of mortgage shall not be registered unless there is made on or securely attached to it an affidavit by each person or one of the persons, other than a corporation, making it, or, if the document is executed by an attorney, by that attorney, deposing that each person making the instrument was of the full age of

Affidavit as to age

twenty-one years at the time of execution of the instrument. 1966, c. 136, s. 18 (1), *part, amended*.

Guarantor,
etc.

(2) Where a person executes a mortgage as a guarantor or surety, the mortgage shall not be registered unless there is made on or securely attached to it an affidavit by such person or by any other person executing the mortgage stating whether such guarantor or surety was of the full age of twenty-one years at the time he executed the mortgage. 1966, c. 136, s. 18 (1), *part*; 1968-69, c. 109, s. 8 (1), *amended*.

Plan of
subdivision

(3) A plan of subdivision shall not be registered unless the age of every person, other than a corporation, who executes the plan as an owner or who, as mortgagee consents to the registration of the plan, is proven in the manner and form prescribed by the regulations to be of the full age of twenty-one years at the time of execution of the plan.

Power of
attorney

(4) A power of attorney, other than a power of attorney made by a corporation or by a married woman solely for the purpose of barring her dower, shall not be registered unless there is made on or securely attached to it the affidavit of one of the persons by whom it was executed, or by the attorney, deposing that each person by whom the power of attorney was executed was of the full age of twenty-one years at the time of execution of the power of attorney. 1966, c. 136, s. 18 (1), *part*.

Affidavit
as to
marriage

(5) A deed, conveyance, mortgage, lease, release or quit claim that is made by a man and in which a woman joins as his wife shall not be registered unless there is made on or securely attached to it an affidavit by such man or woman, or, if the document is executed by an attorney, by that attorney, deposing that they were married to one another at the time of execution of the instrument. 1968-69, c. 109, s. 8 (2).

Affidavit
as to
marital
status

(6) A deed, conveyance, mortgage, lease, release or quit claim that is made by a man in which no person joins as his wife shall not be registered unless there is made on or securely attached to it an affidavit by the man, or, if the document is executed by an attorney, by that attorney, deposing that the man was married, unmarried, divorced or a widower, as the case may be, at the time of execution of the instrument.

Affidavit by
corporate
attorney

(7) Where an affidavit required by this section is made by an attorney that is a corporation, the affidavit shall be made by an officer of the corporation.

Judge may
dispense
with
affidavit

(8) Where an instrument that is otherwise capable of registration is not accompanied by an affidavit as required by this section or is accompanied by an incomplete or defective affidavit and a person who is or claims to be interested in the registration of the instrument makes proof before a judge of any county or district court that an affidavit as required cannot be obtained conveniently and that the facts were as are required to be stated by the

affidavit, the judge may dispense with the affidavit, and thereupon he shall endorse upon the instrument or securely attach to it his certificate, in the prescribed form, stating the facts that have been proven to his satisfaction, and the judge's certificate shall be received in lieu of the affidavit. 1966, c. 136, s. 18 (1), *part*.

(9) Subsections 1 and 3 do not apply,

Where
subss. 1, 3
do not
apply

- (a) to a wife who joins in an instrument solely for the purpose of barring her dower;
- (b) to an executor or administrator, the Public Trustee or any other person dealing with land in a representative capacity; or
- (c) to an infant who executes an instrument under the authority of a court of competent jurisdiction. 1966, c. 136, s. 18 (1), *part*; 1970, c. 40, s. 13.

(10) Subsections 5 and 6 do not apply,

Where
subss. 5, 6
do not
apply

- (a) to a conveyance made in pursuance of a power of sale contained in a mortgage;
- (b) to an instrument made by persons as joint tenants, trustees or under power of appointment or who hold the land as partnership property if they are so described in a registered conveyance of the land to them;
- (c) to a mortgage of leasehold land;
- (d) to a person executing an instrument in his capacity as an executor or administrator or trustee under a will or to the Public Trustee or any other person dealing with land in a representative capacity; or
- (e) to a lessee. 1966, c. 136, s. 18 (1), *part*.

43.—(1) In this section, “assurance” includes a gift, conveyance, appointment, lease, transfer, settlement, mortgage, charge, encumbrance, devise, bequest and every other assurance by deed, will or other instrument.

Interpre-
tation

(2) Where an assurance of land is made to or for the benefit of a corporation, the assurance shall not be registered unless there is made on or securely attached to it an affidavit or statutory declaration by an officer of the corporation or by the solicitor for the corporation or by the attorney appointed for the purpose of executing such assurance on behalf of the corporation under a power of attorney registered in accordance with the provisions of this Act that such assurance is not made contrary to section 2 of *The Mortmain and Charitable Uses Act*.

Affidavit
or declara-
tion as to
corporation's
authority
to acquire
land

R.S.O. 1970,
c. 280

(3) Where it is made to appear to the judge of a county or district court that the affidavit or statutory declaration required by subsection 2 cannot be obtained conveniently, the judge may, upon such evidence by affidavit or otherwise as he may consider

Dispensing
with
affidavit or
declaration

proper, dispense with the affidavit or declaration, and thereupon shall endorse upon the assurance or securely attach thereto his order directing the registrar to register the assurance notwithstanding the absence of the affidavit or declaration, and the registrar shall thereupon register the assurance. R.S.O. 1960, c. 348, s. 53 (1-3).

Where
section not
to apply

(4) This section does not apply to an assurance made to or for the benefit of,

R.S.O. 1970,
cc. 224,
226, 254
1966-67,
c. 87

(a) a corporation that is licensed or registered under *The Insurance Act*, *The Investment Contracts Act* or *The Loan and Trust Corporations Act*; or

(b) a bank to which the *Bank Act* (Canada) applies; or

(c) Central Mortgage and Housing Corporation; or

(d) a corporation all the shares of which are held by or in trust for the Crown in right of Canada or any province of Canada; or

(e) a board, commission or other body all the members of which are appointed by the Governor General in Council or by the Lieutenant Governor in Council; or

R.S.O. 1970,
c. 118

(f) a municipality within the meaning of *The Department of Municipal Affairs Act*; or

R.S.O. 1970,
c. 78

(g) an authority established under *The Conservation Authorities Act*; or

(h) Ontario Housing Corporation; or

(i) Industrial Development Bank; or

(j) a corporation described in the assurance as incorporated under the laws of Ontario; or

R.S.O. 1970
c. 89

(k) a corporation exempted from Part IX of *The Corporations Act* under subsection 1 of section 368 of that Act; or

(l) Ontario Development Corporation. R.S.O. 1960, c. 348, s. 53 (4); 1965, c. 116, s. 4; 1966, c. 136, s. 19 (1).

Idem
R.S.O. 1970,
c. 380

(5) This section does not apply in respect of a Crown grant to which section 40 of *The Public Lands Act* applies. 1966, c. 136, s. 19 (2).

Additional
exemptions

(6) The Lieutenant Governor in Council may, by regulation, designate corporations to which this section does not apply, in addition to those set out in subsection 4. 1968-69, c. 109, s. 9.

Interpre-
tation

44.—(1) In this section, “grantee” includes a grantee under a deed or other conveyance, a mortgagee or a person claiming an interest in land.

Description
of grantee

(2) An instrument executed on or after the 1st day of July, 1964, shall not be registered unless every grantee thereunder,

other than a corporation, is described by his surname and by at least one given name in full. 1964, c. 102, s. 18.

45.—(1) Except as provided by subsection 5, all instruments shall be numbered consecutively in order of time of being registered. Registration numbers

(2) Where two or more instruments affecting the same land are received at the same time, they shall, if capable of registration, be registered and numbered in the order requested by the person or persons from whom they are received. Idem

(3) The year, month, day, hour and minute at which an instrument is registered shall be endorsed thereon. Time of receipt

(4) For the purpose of section 70, priorities shall, subject to subsection 5, be determined in accordance with the respective registration numbers. 1962-63, c. 124, s. 22, *part*. Priorities, how established

(5) A separate series of registration numbers may be used for plans of subdivision and for any other class of instrument that may be approved by the Director, and, for the purposes of section 70, priorities between instruments registered in different number series shall be determined in accordance with the time of receipt endorsed thereon. 1962-63, c. 124, s. 22, *part*; 1966, c. 136, s. 20, *amended*. Idem

46.—(1) Upon registration of an instrument, the registrar, Manner of registration

(a) shall cause to be endorsed upon it and upon the duplicate thereof, if any, received with it a certificate in the prescribed form; and

(b) shall cause every page thereof to be stamped with a perforating stamp bearing the word “Registered”; and

(c) shall cause it to be recorded,

(i) on photographic film,

(ii) in the proper abstract index, or in the general register index, or in the by-law index, and

(iii) subject to the regulations, in the alphabetical index. 1962-63, c. 124, s. 22, *part*; 1966, c. 136, s. 21 (1).

(2) A certificate endorsed upon an instrument or duplicate under clause *a* of subsection 1 is receivable by any court as proof of registration of the instrument. Certificate proof of registration

(3) Every registered instrument is the property of the Crown and, subject to subsection 2 of section 17, section 66 and the regulations, shall be retained in the custody of the registrar in his office. 1962-63, c. 124, s. 22, *part*. Custody of registered instruments

(4) Clause *b* and subclauses *i* and *iii* of clause *c* of subsection 1 Exception as to plans

do not apply in the case of a plan of subdivision or other registered plan. 1966, c. 136, s. 21 (2).

Crown
grants
R.S.O. 1970,
c. 380

47.—(1) Letters patent granting land made by the Crown in right of Ontario on or after the 1st day of October, 1965 shall be registered as provided by section 40 of *The Public Lands Act*.

Idem

(2) Letters patent granting land made by the Crown in right of Ontario before the 1st day of October, 1965 or by the Crown in right of Canada shall be registered by registering the grant or an exemplification thereof, or by producing the grant or an exemplification thereof, and registering a true copy thereof verified by affidavit and by the registrar or his deputy. 1965, c. 116, s. 5, *part, amended*.

Letters
patent of
incorpora-
tion, etc.

48. Letters patent, supplementary letters patent, or certificates incorporating or changing the name of a corporation or amalgamating corporations shall be registered by registering a true copy thereof, verified by affidavit. 1965, c. 116, s. 5, *part, amended*.

Orders in
council

49. Where by any Act of Canada or Ontario an order in council or a certified copy thereof is required to be registered or deposited in a registry office, the order or a certified copy thereof may be registered and recorded,

- (a) in the case of an order that does not contain a local description, as a general registration; or
- (b) in the case of an order that contains a local description, in the abstract index. 1966, c. 136, s. 22.

Wills

50.—(1) A will shall be registered by registering,

- (a) the original will or a notarial copy thereof with,
 - (i) an affidavit sworn by one of the subscribing witnesses to the will proving the due execution thereof by the testator, and
 - (ii) an affidavit by one of the subscribing witnesses or by some other person stating that the testator is dead;
- (b) the letters probate or letters of administration with the will annexed or a notarial copy thereof; or
- (c) an exemplification or certified copy of the letters probate or letters of administration with the will annexed under the seal of the court that granted such letters or a notarial copy of such exemplification or certified copy. 1966, c. 136, s. 23 (1).

Consent of
Minister of
Revenue
required

(2) Except with the consent in writing of the Minister of Revenue or of some person authorized by him to consent,

- (a) an original will; or

- (b) letters probate, letters of administration with the will annexed, or any other grant based on a will given by a court outside Ontario having jurisdiction in probate matters,

or an exemplification, certified or notarial copy thereof shall not be registered under subsection 1.

(3) Where, at the time of registration of a notarial copy under this section, the will or other instrument is produced to the registrar, he shall endorse his certificate of registration upon and return the will or other instrument. 1966, c. 136, s. 23 (2), *amended*.

Notarial copy of will, etc.

(4) Subject to subsection 2, whether letters probate or letters of administration have or have not been granted, no deed, grant, conveyance, mortgage, assignment of mortgage, discharge of mortgage or other instrument purporting to convey, transfer or assign,

Consent of Minister of Revenue required

- (a) any property standing in the name of a deceased person or held in trust for him or in the names of a deceased person and any other person;
- (b) any property over which the deceased person had, at the time of his death a general power of appointment, notice of which appears in any register, book, document or instrument or on any abstract in the registry office;
- (c) any property in which the deceased person at the time of his death had any registered beneficial interest whatsoever,

shall be tendered for registration, unless the consent in writing of the Minister of Revenue is attached thereto or endorsed thereon, and until such consent is given, notwithstanding anything contained in *The Devolution of Estates Act*, any land so conveyed does not vest in the person beneficially entitled thereto or his assigns or any person claiming under him.

R.S.O. 1970, c. 129

(5) The Minister of Revenue may issue a general certificate that all succession duty payable in respect of the estate or any lands forming part of the estate of a deceased person have been paid and satisfied or that security for such payment as required under *The Succession Duty Act* has been given, and upon registration of the certificate it is not necessary that subsection 4 be complied with in respect to any land described in the certificate; if the date of registration and registration number of such general certificate are indicated in the body or margin of the instrument tendered for registration. R.S.O. 1960, c. 348, s. 58 (6, 7), *amended*.

General certificate

R.S.O. 1970, c. 449

(6) Where, at the time of registration of a general certificate under subsection 5, a notarial copy thereof is produced to the

Notarial copy of general certificate

registrar, he shall endorse his certificate of registration upon and return the copy.

Recording
certificate

(7) A general certificate under subsection 5 shall be registered as a general registration, and shall also be recorded in the proper abstract index if any land is specifically referred to therein.

Consent,
etc.,
required
only once

(8) Notwithstanding anything in this section, a consent under subsection 4 or a general certificate under subsection 5 is required only once in connection with the same property in the same estate. 1966, c. 136, s. 23 (3).

Application
of
subss. 4-8

(9) Subsections 4 to 8 do not apply where the deceased person died prior to the 1st day of January, 1930. R.S.O. 1960, c. 348, s. 58 (11).

Consent
under
1958,
c. 29 (Can.)

51.—(1) An instrument referred to in subsection 4 of section 50 shall not be registered unless the consent under the *Estate Tax Act* (Canada) is registered in the same manner as the consent or general certificate of the Minister of Revenue.

Idem

(2) Subsection 1 applies only, where the death of the deceased person occurred after the 31st day of December, 1958. 1968-69, c. 109, s. 10, *amended*.

Deposit of
consents
before
January 1st,
1970

(3) Where a consent under the *Estate Tax Act* (Canada) was deposited under Part II of this Act before the 1st day of January, 1970, such consent shall be deemed to have been sufficiently registered for the purposes of subsection 1. 1970, c. 40, s. 14.

Letters of
administra-
tion
R.S.O. 1970,
c. 129

52. Letters of administration that under *The Devolution of Estates Act* affect land shall be registered in the same manner as a probate of a will. R.S.O. 1960, c. 348, s. 59.

Where
registration
of will,
etc.,
required

53. An instrument purporting to convey or otherwise deal with land in any manner shall not be registered if executed by any person as devisee, legatee, executor or administrator of the estate of a deceased person who at the time of his death appears from the instrument to have been in any wise possessed of or interested in the land in question unless before the time of registration of the instrument the will or the letters probate of the will or the letters of administration under which the person executing the instrument claims to be entitled has or have been registered in the registry division in which the land in question is situate and the registration date and number thereof have been inserted in the body of the instrument or in its margin. 1966, c. 136, s. 25.

Discharge
of mortgage

54.—(1) A certificate of discharge, in the prescribed form, of a registered mortgage, executed by the mortgagee, his executor, administrator or assignee, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, may be registered. 1966, c. 136, s. 26 (1).

(2) Where a discharge of mortgage is tendered for registration there shall be produced to the registrar the duplicate mortgage and assignments thereof, if any, or a declaration by the person signing the discharge stating that the original duplicate mortgage or duplicate of any assignment thereof cannot be produced and the reason therefor, and in such case the declaration shall be securely attached to and filed away with the discharge and the duplicate so produced shall be returned to the party registering the discharge, but where any such assignment includes a mortgage of other property, production of that assignment is not required.

Production and cancellation of duplicate mortgage on registering discharge

(3) Where the person signing the discharge has since died or is out of Ontario or his place of residence is unknown to the person interested in the registration of the discharge, or where in the opinion of the registrar for any other reason the necessary declaration cannot be obtained conveniently, the registrar may register the discharge upon receiving a declaration from some person having a knowledge of the facts stating reasons satisfactory to the registrar why a declaration by the proper person cannot be obtained, and if the registrar then refuses to register the discharge, the person interested in the registration of the discharge may apply to a county judge for an order permitting the registration, and in such case the declaration or judge's order shall be securely attached to and filed with the discharge. R.S.O. 1960, c. 348, s. 65 (2, 3), *amended*.

Absence from Ontario of person signing discharge

(4) The duplicate mortgage and any duplicate assignment produced, before being returned, shall be stamped by the registrar with a perforating stamp bearing the words "Discharge Registered" across the signatures of the parties executing the mortgage and assignment, if any, and on the registrar's certificate of registration. R.S.O. 1960, c. 348, s. 65 (4).

Stamping discharged mortgage

(5) Where land is mortgaged and subsequently subdivided by a registered plan of subdivision, judge's plan, registrar's compiled plan, or any other registered plan by which lots are created, any certificate of discharge of the mortgage shall contain a description of the affected land with reference to the plan. 1966, c. 136, s. 26 (2).

Where plan registered after mortgage

55. Subject to section 57, where, after the registration of a mortgage, the name of the person or corporation entitled to receive the money and to discharge the mortgage has changed or been changed, an explanation of the change of name,

Change of name of mortgagee

- (a) shall, in the case of a change of name by order under *The Change of Name Act* or by supplementary letters patent or articles of amendment, be noted in the body or margin of the certificate of discharge, with reference to the registration number of the certificate of order, supplementary letters patent, or certificate of amendment;

R.S.O. 1970, c. 60

- (b) shall, if made by an Act of Ontario or of any other jurisdiction, be noted in the body or margin of the certificate of discharge, with reference to the Act; or
- (c) shall, if made upon or in consequence of adoption, marriage, annulment or dissolution of marriage, or in any other way, be set forth in a declaration, attached to the certificate of discharge, made by the person signing the certificate of discharge or by his solicitor. 1966, c. 136, s. 27.

Mortgage-of-a-mortgage, etc., not to be registered

56.—(1) Subject to subsection 2,

- (a) a mortgage-of-a-mortgage; or
- (b) a discharge of a mortgage-of-a-mortgage,

executed after the 1st day of January, 1970 shall not be registered. 1970, c. 40, s. 16, *part, amended*.

Exceptions

(2) Where, upon an application made to him, a judge of a county or district court is satisfied that there cannot be conveniently obtained and registered,

- (a) an assignment of a mortgage containing a provision for reassignment to the assignor instead of a mortgage-of-a-mortgage; or
- (b) an assignment of a mortgage-of-a-mortgage to the person entitled to redeem the mortgage-of-a-mortgage instead of a discharge of the mortgage-of-a-mortgage,

the judge may endorse his fiat on the mortgage-of-a-mortgage or discharge of a mortgage-of-a-mortgage, which may then be registered, notwithstanding subsection 1.

Effect of registration of discharge

(3) A discharge, even though registered under subsection 2, executed by the person entitled to receive the money under a mortgage-of-a-mortgage, or by his executor, administrator, legal personal representative or assignee, does not operate as a discharge of the mortgaged mortgage unless,

- (a) the right to discharge the mortgaged mortgage is conferred by the mortgage-of-a-mortgage, and such right is recited in the discharge;
- (b) the mortgagor of the mortgage-of-a-mortgage has lost his right to redeem, by reason of foreclosure of or sale under the mortgage-of-a-mortgage, and the foreclosure or sale is evidenced by registered instruments; or
- (c) upon an application made to him, a judge of a county or district court is satisfied that the discharge when registered has the effect of discharging the mortgaged mortgage and he makes an order to that effect and the order is either endorsed on or attached to or registered after the discharge.

(4) Notwithstanding section 65, a registrar shall not mark off the entry in the abstract index of a mortgage or instrument dealing with the mortgage if a mortgage-of-the-mortgage was registered and the only registered discharge relating to the mortgage was of the mortgage-of-the-mortgage, except where, having regard to the provisions contained in the mortgage-of-the-mortgage and to subsection 3, he is satisfied that the discharge had the effect of discharging the mortgaged mortgage. 1970, c. 40, s. 16, *part.*

Marking off
mortgage

57. Where a loan or trust corporation that has acquired the assets of another loan or trust corporation by amalgamation of such corporations desires to discharge any of the mortgages of such corporation and the certificate of amalgamation or a sworn copy thereof has been registered, it is sufficient to set forth in the instrument to be registered the fact of the assent of the Lieutenant Governor in Council or the Governor in Council, as the case may be, to the amalgamation with the date of the certificate of amalgamation and its registered number, or a reference to the Act by which the loan or trust corporations were amalgamated or by which the agreement was ratified, and upon registration of the discharge the registrar shall enter in the abstract index the particulars of amalgamation mentioned in the discharge. 1964, c. 102, s. 20.

Discharge
of mortgages
held by
amal-
gamated
loan or trust
corporations

58.—(1) Where a mortgage has been paid off by any person advancing money by way of a new loan on mortgage on the same land and the mortgage so paid off or the discharge thereof is held by the mortgagee making the new loan, the discharge of the mortgage so paid off shall be registered within six months from the date thereof, unless the mortgagor has authorized, in writing, the retention of the discharge for a longer period.

Registration
of discharge
when mort-
gage paid off
by subse-
quent
mortgagee

(2) The registration does not affect the right, if any, of the mortgagee who may have paid off such mortgage, his assignee, or any person claiming under him, by purchase or otherwise, to be subrogated to the rights of the mortgagee whose mortgage debt has been so paid. R.S.O. 1960, c. 348, s. 67.

Rights of
subsequent
mortgagee

59.—(1) Where the person entitled to receive the mortgage money and to discharge a registered mortgage is not the original mortgagee, he shall, at his own expense, cause to be registered before the registration of the certificate of discharge all the instruments or documents through which he claims interest in and title to the mortgage money, and until those instruments or documents are registered the certificate of discharge shall not be registered. R.S.O. 1960, c. 348, s. 68 (1); 1966, c. 136, s. 28 (1).

Registration
of discharge
given by
person other
than the
mortgagee

(2) Where it is made to appear to the judge of a county or district court that any instrument or document through which any person claims interest in and title to mortgage money has

Where
document
lost or
destroyed

been destroyed or cannot be found, the judge may, upon such evidence by affidavit or otherwise as he may consider proper, dispense with the registration thereof and thereupon shall endorse upon the certificate of discharge or firmly attach thereto his order directing the registrar to register the certificate of discharge notwithstanding the failure to register the instrument or document, and the registrar shall thereupon register the certificate of discharge.

Contents

(3) The certificate shall mention the date and the date of registration and the registration number of each of the instruments or documents through which the person executing the certificate claims interest in and title to the mortgage money, and the names of the parties thereto.

Powers
of attorney

(4) This section applies to powers of attorney where the certificate of discharge or prior instrument or document is executed by attorney, except that it is sufficient in the certificate of discharge to state the date of each instrument, document or power of attorney and the names of the parties thereto, and to endorse on the certificate the date of registration and registration number of each instrument, document, or power of attorney, which endorsement shall be signed by the person who signed the certificate, or his attorney or agent, and the endorsement shall be deemed to be part of the certificate. R.S.O. 1960, c. 348, s. 68 (2-4).

Application
to judge for
order to
register
instruments
authorizing
discharge to
be given

(5) Where the person whose duty it is to register such instruments or documents refuses or neglects to register them within fifteen days after payment of the mortgage money to him, the person entitled to redeem the mortgage may, on giving ten days notice in writing to the person so refusing or neglecting, apply in a summary manner to a judge of the county or district court of the county or district wherein the land or any part thereof mentioned in the mortgage is situate for an order directing that the person so refusing or neglecting shall within a time to be fixed by the judge register the instruments or documents at his own expense, and the judge, upon being satisfied by affidavit or oral evidence that the application is a proper one, may make the necessary order.

Powers of
judge

(6) On being satisfied of the due service of the notice the judge may proceed in the absence of the person so refusing or neglecting.

Form of
notice

(7) The notice shall state that it is given in pursuance of this section. R.S.O. 1960, c. 348, s. 68 (7-9).

Release of
part only of
lands
mortgaged

60.—(1) Where the holder of a mortgage desires to release or discharge part of the land comprised in it, or to release or discharge part of the money secured by the mortgage, he may do so by deed or by certificate to be made, executed, proven, and registered in the same manner and with the like effect to the land

or money released or discharged as when the whole land and mortgage are released and discharged.

(2) The deed or certificate shall contain as precise a description of the land released or discharged as is required in an instrument of conveyance for registration, and also a precise statement of the particular sum so released or discharged. R.S.O. 1960, c. 348, s. 69.

Description
in deed or
certificate

61. Every certificate of payment or discharge of a mortgage or of the conditions therein or of the land or any part thereof, at any time given, and whether before or after the time limited by the mortgage for payment or performance, if in conformity with this Act and the regulations is, when registered, a discharge of the mortgage or of the land described in the certificate, as the case may be, and is as valid and effectual in law as a release of the mortgage or of the land and as a conveyance to the mortgagor, his heirs or assigns of the original estate of the mortgagor therein. R.S.O. 1960, c. 348, s. 70; 1966, c. 136, s. 29.

Effect of
registration
of discharge
of mortgage

62.—(1) In this section,

Interpre-
tation

(a) “deed to uses” means a deed purporting to grant or convey land to such uses as the grantee may appoint, regardless of the method of appointment specified in the deed, and, until appointment or in default of appointment, purporting to grant or convey the land to the use of the grantee absolutely, and includes every such deed containing words of like import, but does not include a mortgage;

(b) “grantee to uses” means a grantee named in a deed to uses.

(2) A mortgage made by a grantee to uses does not exhaust his power of appointment.

Mortgage
does not
exhaust
power

(3) Notwithstanding the registration of a discharge of,

Effect of
discharge
of mortgage

(a) a mortgage that was made by a grantee to uses; or

(b) a mortgage to which the land was subject when the grantee to uses became the grantee,

the grantee to uses may exercise his power of appointment as though the mortgage had not been made. 1966, c. 136, s. 30, *part.*

(4) This section applies to,

Application

(a) land conveyed by a deed to uses registered on or after the 1st day of January, 1967; and

(b) land conveyed by a deed to uses registered before the 1st day of January, 1967, but not conveyed or devised until

after that day by the grantee to uses by a deed or will. 1966, c. 136, s. 30, *part, amended*.

Discharge of mortgage seized under execution

63.—(1) Where a sheriff, bailiff of a small claims court or other officer, under a writ or warrant of execution against goods, seizes a mortgage belonging to the person against whose goods the writ or warrant has issued, on or affecting land in Ontario, the payment of the mortgage money in whole or in part to the sheriff, bailiff, or other officer by the mortgagor, or any other person or any person claiming under him, satisfies the mortgage to the extent of such payment. R.S.O. 1960, c. 348, s. 71 (1), *amended*.

Form of certificate of discharge

(2) After payment of the mortgage money or any part thereof, the sheriff, bailiff or other officer shall, at the request and expense of the person requiring it, give a certificate in the prescribed form under the hand and seal of office of the sheriff or other officer, or under the hand of the bailiff and the seal of the court of which he is bailiff. R.S.O. 1960, c. 348, s. 71 (2); 1962-63, c. 124, s. 28.

Seal of court

(3) Upon the written request of the bailiff the clerk of the court shall affix to the certificate the seal of the court and he shall file the request of the bailiff in his office. R.S.O. 1960, c. 348, s. 71 (3).

Effect of certificate

(4) The certificate when registered, if it is of payment in full of the mortgage, is as valid and effectual in law as a release of the mortgage and as a conveyance to the mortgagor, his heirs, executors, administrators, or assigns, or any person lawfully claiming by, through or under him or them, of the original estate of the mortgagor as if executed by the execution debtor.

Effect of certificate of part payment

(5) The certificate when registered, if it is of payment of only a part of the mortgage money, is as valid and effectual in law as a release of the mortgage, as to such part, as if executed by the execution debtor. R.S.O. 1960, c. 348, s. 71 (5, 6).

Notice of seizure of mortgage

(6) Where a mortgage has been seized by a sheriff or bailiff of the small claims court or other officer in the manner provided by law, and the seizure has been withdrawn, vacated or for any other reason set aside, the sheriff, bailiff or other officer under whose hand notice of seizure has issued, may give a certificate directed to the registrar in whose office the notice of seizure is registered, to the effect that the seizure has been withdrawn, vacated or set aside as the case may be, and the certificate shall be registered in the registry office in the same manner and for the same fee as a discharge of mortgage. R.S.O. 1960, c. 348, s. 71 (7), *amended*.

Discharge of instrument given in relation to purchase of goods

64. Instruments of the nature mentioned in section 26 may be discharged, and the land affected thereby released therefrom, by registering in the proper registry office a certificate of discharge in the prescribed form. R.S.O. 1960, c. 348, s. 72; 1962-63, c. 124, s. 29, *amended*.

65.—(1) Where a mortgage registered since the 1st day of January, 1890, is purported to be discharged by an instrument that has been registered for ten or more years, and wherever a certificate of *lis pendens* registered since the 1st day of January, 1890, has been vacated and the certificate of the judgment or order vacating it has been registered for two or more years, the registrar shall, wherever the mortgage or the discharge thereof or any other instrument dealing exclusively with the mortgage and wherever the certificate of *lis pendens*, certificate of judgment or order vacating the same appear on any abstract index in his office, draw a line in red ink through all such entries and initial and date the same, and the land described in the mortgage or certificate of *lis pendens* is validly discharged therefrom. R.S.O. 1960, c. 348, s. 73 (1); 1966, c. 136, s. 32 (1).

Marking off
certain
entries

(2) Where an instrument purporting to partially discharge a mortgage registered since the 1st day of January, 1890, has been registered for ten or more years and the mortgage does not affect any portion of the lot other than the portion described in the instrument, the provisions of subsection 1 apply to the partial discharge in like manner as they would to the mortgage if wholly discharged. 1966, c. 136, s. 32 (2).

Partial
discharge of
mortgage

(3) Subsections 1 and 2 extend to and include also instruments described in and registered under sections 26, 63 and 64. R.S.O. 1960, c. 348, s. 73 (3).

Application
of subss. 1, 2

(4) Where a mechanics' lien registered since the 1st day of January, 1890, is purported to be discharged and the document purporting to be the discharge thereof has been registered for two or more years and wherever a mechanics' lien has been so registered and a certificate of action has also been registered and the certificate of action has been vacated or discharged and the order or certificate of order vacating or discharging it has been registered for two or more years, the registrar shall, wherever such mechanics' lien or any assignment or discharge thereof, certificate of action, or order, or certificate of order vacating the same, appear on any abstract index in his office, draw a line in red ink through all such entries and initial and date the same and the mechanics' lien is validly discharged and the certificate of action is duly vacated. R.S.O. 1960, c. 348, s. 73 (4); 1962-63, c. 124, s. 30.

Mechanics'
liens

(5) When a mechanics' lien has been registered as required by *The Mechanics' Lien Act* and a certificate of action has also been registered, and the certificate of action has been partially vacated or discharged, and the order vacating does not affect any portion of the lot other than the portion described in the vacating order, and the order or certificate of order partially vacating or discharging the same has been registered for two or more years, the provisions as to striking out apply. R.S.O. 1960, c. 348, s. 73 (5).

Partial
discharge
R.S.O. 1970,
c. 267

Conditional
sales

(6) Where an instrument is registered purporting to discharge a registered notice of a conditional sale contract and the discharge has been registered for two or more years, the registrar shall, if the discharge was registered after the 1st day of January, 1967, and may, if registered before that date, draw a line in red ink through the entries of the notice and of the discharge, and of any intervening assignment in the abstract index and initial and date the same, and thereupon the notice and assignment, if any, shall be validly discharged to the same effect thereafter with respect to persons dealing with the land mentioned or referred to therein as if the notice and assignment had not been registered under this Act.

Pension
notices

(7) Where a notice of the granting of a pension was registered under section 13 of *The Old Age Pensions Act*, being chapter 258 of the Revised Statutes of Ontario, 1950, or any predecessor of that section, the registrar shall draw a line in red ink through the entry of the notice and of any registered discharge thereof in the abstract index and initial and date the same. 1966, c. 136, s. 32 (3).

Gas and
oil leases

(8) Where an instrument purporting to surrender a registered gas or oil lease has been registered for ten or more years, the registrar shall, wherever the gas or oil lease and any instrument dealing exclusively with the gas or oil lease appear on any abstract index in his office, draw a line in red ink through all such entries and shall initial the same and the land described in the lease is validly discharged therefrom. 1968-69, c. 109, s. 11.

Marking off
entries
before 1st
January,
1890

(9) The registrar may draw a line in red ink through the entries in the abstract index of mortgages, certificates of *lis pendens* and mechanics' liens registered on or before the 1st day of January, 1890 in the circumstances mentioned in subsections 1, 2 and 4, whereupon the land described in the mortgages, certificates of *lis pendens* or mechanics' liens is validly discharged therefrom. 1970, c. 40, s. 17.

Destruction
of instruments

66. Where an entry of an instrument in an abstract index has been struck out under section 65 and the instrument has been reproduced on photographic film under this Act, the registrar may, with the approval of the Director, destroy the instrument. R.S.O. 1960, c. 348, s. 74, *amended*.

Orders,
etc., re
changes in
municipal
boundaries

67. Every order of the Ontario Municipal Board or other instrument whereby a city, town, village, township or improvement district becomes incorporated, or the boundaries of any municipality are enlarged, diminished or altered, shall be registered in the proper registry office and shall be recorded in the by-law index under subsection 1 of section 18. 1964, c. 102, s. 21; 1965, c. 116, s. 6.

68.—(1) Where any provision of this Act requires or permits the registration of a sworn or notarial copy of an instrument, the instrument may be registered instead of a copy. Sworn copies, notarial copies

(2) Where any provision of this Act permits the registration of a sworn copy of an instrument, a notarial copy of the instrument may be registered instead of a sworn copy. 1962-63, c. 124, s. 32. Idem

REGISTRATION AND ITS EFFECT

69.—(1) After the grant from the Crown of land, and letters patent issued therefor, every instrument affecting the land or any part thereof shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration without actual notice, unless the instrument is registered before the registration of the instrument under which the subsequent purchaser or mortgagee claims. Unregistered instruments after grant from the Crown to be void against subsequent registered purchaser or mortgagee

(2) This section does not extend to a lease for a term not exceeding seven years where the actual possession goes along with the lease, but it does extend to every lease for a longer term than seven years. Exception as to certain leases

(3) Subject to section 67, this section does not extend and shall be deemed never to have extended to, Exception as to certain by-laws

(a) a by-law passed before the 6th day of April, 1954 under section 390 of *The Municipal Act* being chapter 243 of the Revised Statutes of Ontario, 1950 or a predecessor of that section; R.S.O. 1950, c. 243

(b) a by-law passed after the 5th day of April, 1954 under section 390 of *The Municipal Act* being chapter 243 of the Revised Statutes of Ontario, 1950 or under section 35 of *The Planning Act*; R.S.O. 1970, c. 349

(c) any other municipal by-law, heretofore or hereafter passed, affecting land that does not directly affect the title to land. R.S.O. 1960, c. 348, s. 76.

70. Priority of registration prevails unless before the prior registration there has been actual notice of the prior instrument by the person claiming under the prior registration. R.S.O. 1960, c. 348, s. 77. Actual notice

71. No equitable lien, charge or interest affecting land is valid as against a registered instrument executed by the same person, his heirs or assigns, and tacking shall not be allowed in any case to prevail against the provisions of this Act. R.S.O. 1960, c. 348, s. 78. Equitable liens, and tacking

Mortgages,
how affected
by subse-
quent regis-
tered con-
veyances,
where mort-
gage moneys
paid sub-
sequently

72. A registered mortgage is, as against the mortgagor, his heirs, executors, administrators, assigns and every other person claiming by, through or under him, a security upon the land comprised therein to the extent of the money or money's worth actually advanced or supplied under the mortgage, not exceeding the amount for which the mortgage is expressed to be a security, notwithstanding that the money or money's worth, or some part thereof, was advanced or supplied after the registration of a conveyance, mortgage or other instrument affecting the mortgaged land, executed by the mortgagor, his heirs, executors or administrators, and registered subsequently to the first-mentioned mortgage, unless before advancing or supplying the money or money's worth, the mortgagee in the first-mentioned mortgage had actual notice of the execution and registration of such conveyance, mortgage or other instrument, and the registration of such conveyance, mortgage or other instrument after the registration of the first-mentioned mortgage, does not constitute actual notice. R.S.O. 1960, c. 348, s. 79.

Registration
to be notice

73.—(1) The registration of an instrument under this or any former Act constitutes notice of the instrument to all persons claiming any interest in the land, subsequent to such registration, notwithstanding any defect in the proof for registration, but nevertheless it is the duty of a registrar not to register any instrument except on such proof as is required by this Act. R.S.O. 1960, c. 348, s. 80.

Where
subs. 1
does not
apply

(2) Subsection 1 does not apply to an instrument entered in the by-law index or to an instrument registered as a general registration under subsection 1 or 6 of section 18 or under predecessors of those subsections,

- (a) unless an entry of the instrument appears in the abstract index;
- (b) unless an entry of a declaration under subsection 2 of section 23 or a predecessor of that subsection referring to the instrument appears in the abstract index;
- (c) unless the instrument is mentioned in a subsequently registered instrument and an entry of the latter instrument or of a declaration referring thereto, as mentioned in clause b, appears in the abstract index; or
- (d) unless the instrument is a claim for lien under *The Mechanics' Lien Act* against land that constitutes the line of railway or right-of-way of a railway company. 1966, c. 136, s. 35, *part.*

R.S.O. 1970,
c. 267

Saving

(3) Subsection 2 does not, in respect of a lot or a part of a lot, alter the effect of registration of an instrument registered before the 1st day of January, 1967 if, within three years after that day, the instrument is reregistered or a declaration under subsection 2

of section 23 referring to the instrument is registered and an entry of the instrument or declaration is made in the abstract index for the lot or the part. 1966, c. 136, s. 35, *part, amended*.

(4) The registration of a notice under subsection 7 of section 22 or under section 112 or a declaration under subsection 2 of section 23 constitutes registration of the instrument referred to in the notice or declaration for the purposes of subsection 1 of this section. 1968-69, c. 109, s. 12.

Registration
deemed
notice

74. An instrument that is or purports to be a power of attorney or authority to sell land in which the commission, payment for services, or other remuneration of the attorney or agent is made a charge on the land, as against a subsequent purchaser or mortgagee for valuable consideration and as against the creditors of the person giving the power or authority, ceases to charge the land with the commission, payment for services, or remuneration after the lapse of one year from the making of the instrument. R.S.O. 1960, c. 348, s. 81.

Instruments
giving
authority to
sell and
naming com-
mission, not
to bind land
after one
year from
date

75. A deed of land made by a treasurer or other officer in pursuance of a sale for arrears of taxes shall be registered within eighteen months after the sale, and a deed of land sold under process issued from any court shall be registered within six months after the sale; otherwise any person claiming under any such sale shall be deemed not to have preserved his priority as against a purchaser or mortgagee for valuable consideration without actual notice who has registered his conveyance before the registration of such deed. R.S.O. 1960, c. 348, s. 83.

Registration
of deeds on
sales for
taxes and
sales under
process of
court

76.—(1) Except in the manner hereinafter provided, after an instrument has been entered in the abstract and alphabetical indexes and has been recorded in the proper registry book, no entry shall be made in the abstract index or in the alphabetical index respecting the instrument, nor shall any alteration or correction be made in any entry previously made respecting any instrument, or in any copy of any instrument in any registry book.

Corrections

(2) The registrar shall immediately after becoming aware of any omission or error in recording cause to be made in red ink such entries, alterations or corrections as are requisite, and a memorandum stating the date of every such entry, alteration or correction shall be made in red ink in the margin of the index or registry book opposite or near thereto, and the memorandum shall be signed by the registrar or his deputy. R.S.O. 1960, c. 348, s. 84.

Method

(3) Where, after the registration of a plan of subdivision, instruments affecting land within the plan were registered that did not conform and refer thereto, the registrar shall, when he considers it necessary or when so directed by the Director, cause

Re-entry of
instruments
not referring
to prior
registered
plan

the instruments to be recorded in the proper abstract index in accordance with subsection 2, and, where the registrar is unable without the assistance of a surveyor to determine the lots affected by the instruments, he may, with the approval of the Director, engage a surveyor to assist in such determination. 1962-63, c. 124, s. 33, *amended*.

When
instrument
to be
deemed
registered

77. An instrument capable of and properly proved for registration and in respect of which the fees for registration have been paid shall be deemed to be registered when and so soon as it is delivered either personally or by mail to and received at his office during office hours by the registrar, or some officer or clerk in his office on his behalf, and thereafter no alteration shall be made in the instrument. 1962-63, c. 124, s. 34.

PLANS

Registered
plan of
subdivision

78.—(1) A plan of subdivision shall not be registered unless it has been prepared by a surveyor and unless it complies with the regulations.

Idem

(2) An instrument that refers to a plan of subdivision shall not be registered unless the plan of subdivision is registered. 1964, c. 102, s. 22, *part*.

Instruments
to conform
to plan

(3) Subject to sections 23 and 84 and subsection 5 of section 54, an instrument affecting the land on a plan of subdivision or any part thereof, executed after the plan is registered, except an instrument registered under subsection 1 or 6 of section 18 and a certificate of discharge purporting to completely discharge a mortgage, shall not be registered unless it refers and conforms to the plan. 1970, c. 40, s. 19 (1).

Effect of
mortgagee's
consent

(4) The consent of the mortgagee to a plan of subdivision, when registered, discharges from the mortgage any land dedicated by the owner as a public highway and any land designated as a reserve that is conveyed to the corporation of the municipality in which the land is situate. 1966, c. 136, s. 37 (1).

What to be
deemed
street or
highway

(5) Any public or private street, way, lane, or alley, or block, tract or lot, being the only access to a lot or lots laid down on a plan of subdivision, shall be deemed to be a street or highway.

Plans of
unpatented
lands

(6) The registrar shall not register a plan of a subdivision of land for which a Crown patent has not issued unless the assent of the Minister of Lands and Forests to the registration is endorsed on the plan. 1964, c. 102, s. 22, *part*.

Registrar
not to file
plans for
anyone but
owner or
without
consent of
mortgagees

(7) The registrar shall not register a plan of a subdivision of land unless the person by whom or on whose behalf the plan is tendered for registration appears on the registry books to be the owner of the land, or unless the consent in writing of every person who appears by the registry books to be a mortgagee of the land is

endorsed on the plan and signed by every such person, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature or an easement in respect of the land. 1964, c. 102, s. 22, *part*; 1966, c. 136, s. 37 (2).

(8) No plan to which *The Planning Act* applies, except a plan registered under section 81, 89 or 90 of this Act, shall be registered unless approved under *The Planning Act*. 1964, c. 102, s. 22, *part*; 1970, c. 40, s. 19 (2). Approvals under R.S.O. 1970, c. 349

(9) Notwithstanding subsection 3 of section 25 and subsection 7 of this section, the consents of the mortgagees and the required affidavits may be omitted from the plan if they are included in an instrument, to be known as a "Plan Document", in the form prescribed and registered in the manner provided by the regulations. 1966, c. 136, s. 37 (3). Plan document

(10) A registered plan of subdivision is not binding on the person who registered it or upon any other person unless a deed or mortgage in which the land is described in accordance with the plan has been registered. 1970, c. 40, s. 19 (3). When registered plan binding

79. Where an instrument submitted for registration contains a description that in the opinion of the registrar is difficult to apply because of its complexity or vagueness, the registrar may require that the description be illustrated, and the illustration shall be attached to the instrument and shall be by, Illustration of vague or complex description

- (a) a plan or a print of a plan of the land made by a surveyor; or
- (b) a sketch of the land drawn to scale, and including,
 - (i) the distance from the land so described to one or more lot angles; or
 - (ii) a tie to a point of reference contained in a registered instrument. 1964, c. 102, s. 22, *part*.

80. The Director may direct that a plan index book, in the form prescribed by him, shall be kept by the registrar. 1970, c. 40, s. 20. Plan index book

81.—(1) The Director may direct the registrar to subdivide any lot or designated area into such lots, blocks or parts for abstract purposes as, having regard to conveyances registered upon such lots and otherwise, he may direct, and in such case an abstract index shall be prepared by the registrar for each of such lots, blocks or parts as if it had been originally a separate lot, and shall extend from any past or future date directed by the Director, and shall contain only those registrations that affect the subdivision to which the index relates. Abstract index for subdivision of lots

Registrar's
compiled
plan may be
registered

(2) Where an abstract index is prepared under subsection 1, the Director may direct the registrar to cause a plan to be compiled showing the lots, blocks and parts into which the designated area has been subdivided, and the compiled plan, bearing the title "Registrar's Compiled Plan", may be registered.

Idem

(3) Where the registrar is unable to prepare an abstract or a compiled plan under this section without the assistance of a surveyor, he may, with the approval of the Director, engage a surveyor to assist in such preparation. 1964, c. 102, s. 23 (1), *part, amended*.

Effect of
compiled
plan

(4) Where a compiled plan is registered under subsection 2,

- (a) subject to section 84, an instrument affecting the land executed after the plan is registered, except an instrument registered under subsection 1 or 6 of section 18, shall not be registered unless it refers to the plan; and
- (b) the plan is binding on all persons subsequently dealing with the land or any part thereof included in the plan or any interest in or concerning the same, but does not affect the rights or interests of any owner or other person entitled at or before the date of registration. 1966, c. 136, s. 38.

Parts of lots

(5) Where the original lines of the lots do not form the boundaries of such blocks, public streets or such other limits as the Director may direct shall be taken as the boundaries thereof. R.S.O. 1960, c. 348, s. 88 (2), *amended*.

Abstract
index to
original lots

82.—(1) Where a plan of a subdivision of a lot or part of a lot has been or is registered, the registrar, when directed so to do by the Director, shall prepare an abstract of all instruments affecting the part subdivided, and enter the same in the page or pages of the abstract index book immediately preceding the abstract as to the first lot on the plan.

Idem

(2) Whenever a further subdivision of any of the lots on a plan is made, the registrar, when directed so to do by the Director, shall prepare and enter in like manner an abstract of all instruments affecting the part so subdivided from the registration of the previous plan. R.S.O. 1960, c. 348, s. 88 (3, 4), *amended*.

Registration
of instru-
ment
referring to
an unregis-
tered plan

83. Subject to the regulations, no instrument referring to an unregistered plan shall be registered unless an instrument referring to the plan has been registered in respect of the same land, and, if the registrar objects to the registration of an instrument on the ground that it refers to an unregistered plan, he may refuse to register the instrument unless the person desiring its registration refers the registrar to the number of an instrument registered in respect of the same land referring to the unregistered plan. R.S.O. 1960, c. 348, s. 89; 1966, c. 136, s. 39.

84.—(1) Where an instrument that does not conform and refer to the proper plan has been duly executed and any party thereto has died, or, where it would, in the opinion of the registrar, be impossible or inconvenient to obtain a new instrument containing the proper description, the instrument may be registered if accompanied by an affidavit in the prescribed form annexed thereto or endorsed thereon. R.S.O. 1960, c. 348, s. 90 (1); 1962-63, c. 124, s. 36.

When instruments not conforming to proper plan may be registered

(2) The registrar shall thereupon enter the instrument in the abstract index in which the subdivision is entered under the lots designated in the affidavit, and no entry shall be made in the abstract index of the land before its subdivision. R.S.O. 1960, c. 348, s. 90 (2).

Duty of registrar

85.—(1) Where a parcel of land has been included in a registered plan of subdivision that was not signed by the owner of the parcel and the parcel is subsequently described in a registered deed or other conveyance as being within the plan, the plan is as binding upon the grantee of the parcel and all persons claiming under him as if the plan had been signed by the owner of the parcel.

When registered plan not signed by an owner becomes binding

(2) Subsection 1 does not affect the rights of a mortgagee whose mortgage was registered before the deed or other conveyance, mentioned in subsection 1, was registered. 1966, c. 136, s. 40.

Saving

86.—(1) The council of any municipality may apply to a judge of the county or district court of the county or district in which is situate the whole, or any part not being less than one-half, of the lands included in any plan, and the judge has power to make orders and directions,

Powers of county or district judge to make order

- (a) for the hearing of the application upon such notice as the judge may direct;
- (b) to cancel or suspend in whole or in part any registered plan;
- (c) to close, divert or alter any or all highways, roads, streets or lanes shown on any such plan, either temporarily or permanently, or pending the suspension of the plan;
- (d) to provide that the lands or any part or parts thereof shown on any such plan shall thereafter, or pending such suspension or until further order of the judge, be known and described by the original township or other registration numbers or designations used prior to the registration of any such plan, or such other numbers or descriptions as to the judge may seem convenient;
- (e) to impose such terms and conditions as to the judge may seem proper;

- (f) to fix and determine the fees and charges to be imposed and collected by registrars for all and any services under this section, and by whom the same shall be payable;
- (g) to reinstate in whole or in part any plan suspended as aforesaid,

and the judge has power to make such further or other order, direction or disposition as he, in his discretion, may consider proper. R.S.O. 1960, c. 348, s. 92, *amended*.

Consent of owner to alteration of road

(2) No part of a highway, road, street or lane upon which any lot abuts, or that connects any such lot with or affords access therefrom to the nearest public highway, shall be closed, diverted or altered without the consent in writing of the owner of such lot.

Appeal from order

(3) The Minister or any person affected by an order made under subsection 1 may appeal the order to the Supreme Court.

Consent of Minister of Municipal Affairs
R.S.O. 1970, c. 349

(4) An order shall not be made under this section amending a plan that was approved under section 33 of *The Planning Act* or a predecessor thereof without the prior written consent of the Minister of Municipal Affairs to the amendment. 1970, c. 40, s. 22.

Correction of errors on plan

87. The registrar, the surveyor or any interested person may apply to a judge of a county or district court of the county, district or regional municipality in which the land included in a registered plan of subdivision is situate and the judge has power to make orders and directions authorizing the registrar to correct any erroneous measurement upon, or any error, defect or omission in the plan upon production of evidence satisfactory to the judge, and either upon giving such notice to interested parties as he considers appropriate or *ex parte*. 1970, c. 40, s. 23.

Un-registered plans of subdivision, etc.

88. Where land has been sold in accordance with or by reference to surveys or subdivisions that so differ from the manner in which the land was surveyed or granted by the Crown that parcels so sold cannot be easily identified unless the plan is registered, the plan shall be registered if still in existence and procurable for registration. 1966, c. 136, s. 42, *part*.

Municipal plans

89.—(1) Where land in a municipality has been sold under surveys or subdivisions made in a manner that so differs from that in which the land was surveyed or granted by the Crown that the parcels sold cannot be easily identified, and the plan has not been registered, the council of the municipality may cause a plan of the land to be made and, with the approval of the Director endorsed thereon, registered, and the expenses of the preparation and registration of the plan may be paid in whole or in part by a special rate to be levied by assessment on the land comprised in the plan as described in a by-law to be passed for the purpose of levying such rate. 1966, c. 136, s. 42, *part, amended*.

(2) A plan prepared under subsection 1 shall show such subdivisions of original lots as are shown by registered plans, and such as are not so shown but appear from the instruments relating to the land, with each of the lots as shown on the new plan numbered or lettered in such a manner that they may be readily identified.

Designation
of lots

(3) A plan under this section shall be prepared and registered in accordance with the regulations.

Plan to
comply with
regulations

(4) Where a plan is registered under this section,

Subsequent
dealings

(a) subject to section 84, an instrument affecting the land executed after the plan is registered, except an instrument registered under subsection 1 or 6 of section 18, shall not be registered unless it refers to the plan; and

(b) the plan is binding on all persons subsequently dealing with the land or any part thereof included in the plan or any interest in or concerning the same, but does not affect the rights or interests of any owner or other person entitled at or before the date of registration. 1966, c. 136, s. 42, *part*.

90.—(1) Where parts of lots, blocks or other designated areas shown by a registered plan have been conveyed or where any other land has been conveyed by metes and bounds or in any other manner without a plan having been registered showing such subdivisions, a judge of the county or district court of the county or district in which the land is situate may, upon the application of the Director and upon notice in the prescribed manner to all persons affected, make an order directing the land or any part thereof to be laid out into lots or in such other manner and numbered as the judge thinks fit, and a draft plan thereof to be made from actual survey by a surveyor and in accordance with the records of the registry office.

Order for
draft
plan

(2) After an order has been made under subsection 1 and after a draft plan has been prepared by the surveyor, the Director may issue a restraining order in respect of the land to be included in the plan and any land adjacent thereto that may be affected by the plan, and, subject to subsection 3, after registration of the restraining order no instrument conveying the land or any part thereof, other than a mortgage, shall be registered until after registration of the plan.

Restraining
order

(3) The Director may amend, suspend or withdraw a restraining order issued under subsection 2.

Amendment,
etc.,
of restraining
order

(4) Where a draft plan of subdivision has been prepared pursuant to an order made under subsection 1, the Director may, upon notice in the prescribed manner to all persons interested,

Order for
registration
of judge's
plan

apply to a judge of the county or district court of the county or district in which the land is situate for an order that a plan bearing the title "Judge's Plan" be prepared in accordance with the regulations and incorporating such amendments to the draft plan as the judge thinks proper and registered, and the judge may make such order. 1964, c. 102, s. 27, *part, amended*.

Effect of
registration
of judge's
plan

(5) The judge may order that, upon the registration of the plan, the limits of the lots as shown on the plan shall be deemed to be the true limits of the parcels they represent. 1965, c. 116, s. 7.

Costs

(6) The costs and expenses of and incidental to the application and the plan and the registration thereof shall be borne by the person or municipality to be named by the judge in his order, and, where the costs and expenses are directed to be borne by the municipality, the judge may by his order direct repayment of them to the municipality by the levy of a special rate by assessment on all the lots included in the plan.

Effect of
filing order

(7) An order made under this section, on being filed with the clerk of the court, may be enforced as if it were a judgment of the court.

Contribution
by Crown
to cost of
plan

(8) Where an application is made for an order under this section, the Director may cause the Minister to be notified of the application, and the Minister on behalf of the Crown, may submit that the Crown shall pay or contribute such part of the costs and expenses mentioned in subsection 6 as the judge determines to be reasonable, or the Minister may consent, on behalf of the Crown, that the Crown shall pay and contribute a definite part of such costs and expenses, and in either of such cases the judge may direct by what person or municipality the remainder of such costs and expenses shall be borne, and any such order may be entered and filed and may be enforced as against such person or municipality in the same manner as the order provided for in subsection 6.

Appeal

(9) An order made under this section may be appealed to the Court of Appeal.

Payments
out of
Consolidated
Revenue
Fund

(10) Any amount payable by the Crown under subsection 8 shall be paid out of the Consolidated Revenue Fund. 1964, c. 102, s. 27, *part, amended*.

Subsequent
dealings

(11) Subject to section 84, where a plan is registered under this section, an instrument affecting the land executed after the plan is registered, except an instrument registered under subsection 1 or 6 of section 18, shall not be registered unless it refers and conforms to the plan. 1966, c. 136, s. 44.

Designation
of sub-
division
plan areas

91.—(1) The Director may by a direction to be known as a "restraining order" designate any area of land as a subdivision plan area, and, after the registration of the direction, no instru-

ment of a class mentioned in the direction affecting the land shall be registered,

- (a) unless the instrument complies with the requirements of clause *a, b, c* or *d* of subsection 2 of section 29 of *The Planning Act*; or R.S.O. 1970,
c. 349
- (b) unless the written consent of the Director is endorsed thereon. 1962-63, c. 124, s. 37, *part*; 1966, c. 136, s. 45; 1970, c. 40, s. 24 (1).

(2) The Director may in a direction under subsection 1 designate land that, although within a registered plan of subdivision, shall be deemed not to be within a registered plan of subdivision for the purposes of this section. Registered plans may be included

(3) A direction under this section, although registered, may be altered or withdrawn by direction of the Director, and such direction shall be registered and recorded in the abstract indexes of the land affected thereby. 1962-63, c. 124, s. 37, *part, amended*. Alteration and withdrawal of direction

(4) Before altering or withdrawing a direction or consenting to permit the registration of an instrument, the Director, Conditions

- (a) may require the consent of the committee of adjustment or the Minister of Municipal Affairs to be attached to or endorsed on the instrument if the land is affected by a by-law under section 29 of *The Planning Act*; or

- (b) may require the land described in the instrument to be shown on a plan of survey attached to the instrument. 1962-63, c. 124, s. 37, *part*; 1968-69, c. 109, s. 13; 1970, c. 40, s. 24 (2), *amended*.

(5) A direction under this section is exempt from *The Regulations Act*. 1962-63, c. 124, s. 37, *part*. Order exempt under R.S.O. 1970, c. 410

FEEs OF REGISTRARS

92.—(1) Where an Act requires or permits an instrument to be registered, deposited or filed in a registry office or requires a registrar to perform any service and no fees therefor are provided by this Act or the regulations or by any other Act of Ontario, the registrar, in the absence of any express provision requiring him to perform such services gratuitously, is entitled to such reasonable fees therefor as the Director may fix, to be paid by the person requiring the service to be performed. Fees in cases not provided for

(2) Where an Act provides a fee for registration but does not provide a fee for additional entries where the instrument embraces more than one lot or parcel, the Director may, subject to the regulations, fix the fee to be paid to the registrar in respect of each lot or parcel after the first. 1962-63, c. 124, s. 39, *amended*. Idem

Disputes as
to fees

93.—(1) Where a dispute arises in regard to any question of fees under this Act, the registrar shall forthwith submit the dispute to the Director, and shall thereupon notify the person interested or his agent of such submission, and the decision of the Director upon the question submitted is final, unless appealed from and varied upon appeal as hereinafter mentioned. R.S.O. 1960, c. 348, s. 104 (1), *amended*.

Reduction
of fees

(2) Where, in the opinion of the Director, a fee payable under this Act is unduly excessive, having regard to all the circumstances, the Director may reduce the fee to such amount as he considers appropriate. 1964, c. 102, s. 29, *amended*.

Appeal from
Director

(3) All decisions given by the Director shall be in writing, and the appeal therefrom shall be in like manner, and subject to the same rules of practice as nearly as may be as an appeal from a local master. R.S.O. 1960, c. 348, s. 104 (2).

Record of
fees, etc.

94.—(1) Every registrar shall keep a daily record of all fees and emoluments received by him in such form as is approved by the Director.

Annual
return

(2) Every registrar shall make an annual return and transmit it to the Director on or before the 31st day of January of the year next following the year in respect of which it is made.

Form and
content
of return

(3) The registrar's annual return shall include such information as is required by the regulations and shall be in such form as is approved by the Director. 1962-63, c. 124, s. 40, *amended*.

Remission
of fees

95. Every registrar shall pay monthly to the Treasurer of Ontario all fees received under this Act, after payment of such disbursements as have been authorized by the Director, and shall remit every such payment to the Director together with a monthly return in such form as is approved by the Director. 1968, c. 116, s. 11, *part, amended*.

Employees

R.S.O. 1970,
c. 386

96. Such employees as are considered necessary for the administration of this Act may be appointed under *The Public Service Act*. 1968, c. 116, s. 11, *part*.

DIRECTOR

Duties of
Director
Inspection of
building

97. The Director shall,

(a) make as often as practicable a personal inspection of the building in which each registry office is kept, and of the books, deeds, memorials and other instruments in each office;

books, etc.

(b) see that the proper books are provided, that they are in good order and condition, that the proper entries and registrations are made therein in a proper manner and in

- a due and proper form and order, that the indexes are properly kept, and that all the memorials and other instruments are duly endorsed, certified and preserved;
- (c) ascertain that the office is kept open at and for the proper times, and that it is at all times duly attended by the registrar or his deputy; office hours
 - (d) settle on some uniform device for the official seals, and see that the registrars supply themselves therewith; seals of officials
 - (e) inspect all new abstract and alphabetical indexes; new indexes
 - (f) ascertain whether the proper plans required by this Act have been registered, and, where necessary, enforce the provisions of this Act as to the preparation and registration thereof, and instruct the Crown attorney to take proceedings for that purpose; plans
 - (g) report upon any vacancies by death or otherwise in the office of registrar or deputy registrar; reporting vacancies
 - (h) inform the registrar how and in what manner he shall do any particular act or amend or correct whatever the Director may find amiss, and if he finds the work improperly performed, order a new book or books to be prepared and completed by the registrar at his own expense; instruction of registrar
 - (i) report upon all such matters to the Lieutenant Governor for his information and decision; and report to Lieutenant Governor
 - (j) perform such other duties as the Lieutenant Governor in Council may prescribe. R.S.O. 1960, c. 348, s. 121; 1968, c. 116, s. 14, *amended*. other duties

98. Where the Director in the performance of his duties under this Act has occasion to make an inquiry or to determine any matter, he may require any person to give evidence on oath, and for that purpose may summon the person to attend as a witness, may enforce his attendance, may compel him to produce books, documents and things, and to give evidence in like manner as the Supreme Court may in civil cases. R.S.O. 1960, c. 348, s. 122, *amended*. Evidence on investigations by Director

99. Every registrar shall transmit to the Director such particulars with reference to the business of his office as the Director may require. R.S.O. 1960, c. 348, s. 123, *amended*. Registrars to furnish information to Director

100. The Director may appoint a person to act as a deputy registrar in any registry office as directed by the Director, who shall be deemed to be the deputy registrar therein during such period as the Director may designate. 1964, c. 102, s. 31, *amended*. Deputy registrar at large

PENALTY FOR ALTERING BOOKS OR DOCUMENTS

Offence for
unauthorized
alteration
of entry

101. Any person, except the registrar or other officer when entitled by law so to do, who alters any book, record, plan or registered instrument in any registry office, or makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means, or in any way adds to or takes from the contents of such book, record, plan or registered instrument, and any person who removes or attempts to remove any instrument registered or deposited in a registry office from such office without lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$1,000. R.S.O. 1960, c. 348, s. 125; 1966, c. 136, s. 49; 1970, c. 40, s. 29.

REGULATIONS

Regulations

102.—(1) The Lieutenant Governor in Council may make regulations,

- (a) describing the registry divisions;
- (b) prescribing the terms of employment of registrars, deputy registrars, clerks and other employees in registry offices;
- (c) for the management of registry offices, including the registers, plans, instruments and other books, documents and records to be kept and the method in which fees and other receipts of the office shall be collected, kept and accounted for; and conferring on the Director such powers as may be considered necessary for carrying out the provisions of this or any other Act relating to the duties of registrars;
- (d) prescribing the furnishing, equipment and accommodation to be provided in registry offices;
- (e) governing the custody and destruction of instruments and records in registry offices;
- (f) governing standards for surveys and plans of land to which this Act applies, and procedures for their registration;
- (g) governing the method of describing land in instruments tendered for registration;
- (h) governing the procedures to be followed in connection with judges' plans;
- (i) prescribing the minimum and maximum dimensions of instruments tendered for registration;
- (j) respecting the quality of writing and material used in instruments tendered for registration and in duplicates and copies required by this Act;

- (k) prescribing methods and standards of recording by photographic film and providing for the storage thereof;
- (l) governing the content of alphabetical or deposit indexes and dispensing therewith in any registry division;
- (m) prescribing the information to be included in annual returns of registrars;
- (n) requiring the payment of fees to registrars upon the performance of any official function under this Act and prescribing the amounts thereof;
- (o) prescribing forms and providing for their use;
- (p) requiring, in connection with an instrument presented for registration, proof of compliance with any law that if not complied with might detrimentally affect the title or interest of a person claiming title or an interest under the instrument, and governing the form and manner of presentation of such proof;
- (q) prescribing anything that by this Act is required to be prescribed by the regulations;
- (r) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 348, s. 120, *part*; 1962-63, c. 124, s. 48, *part*; 1964, c. 102, s. 32; 1966, c. 136, s. 50; 1968-69, c. 109, s. 14.

(2) The application of any provision of the regulations made under subsection 1 may be limited to one or more registry divisions. 1962-63, c. 124, s. 48, *part*. Application of regulations

103. Notwithstanding any provision of this Act or of *The Land Titles Act*, the Lieutenant Governor in Council may make regulations for standardizing the procedures in land titles and registry offices and for integrating the records in combined land titles and registry offices, and may limit the application of any provision of the regulations to one or more registry or land titles divisions. 1968-69, c. 109, s. 15. Integration of land titles and registry records and procedures
R.S.O. 1970, c. 234

PART II

DEPOSITS

104. In this Part, “document” includes an instrument and any certificate, affidavit, statutory declaration or other proof as to the birth, baptism, marriage, divorce, death, burial, descendants or pedigree of any person, or as to the existence or non-existence, happening or non-happening of any fact, event or occurrence upon which the title to land may depend, a notice of sale, or other notice necessary to the exercise of any power of sale Interpretation

or appointment or other power relating to land, and a receipt for payment of money under a registered instrument. 1964, c. 102, s. 33, *part*.

Deposit of document

105.—(1) A document may be deposited in the office of the registrar of any registry division in which any land to which it relates is situate.

Effect of deposit

(2) The deposit of a document under this Part shall not be deemed a registration thereof and the admissibility or value of any document as evidence shall not be affected by the deposit. 1964, c. 102, s. 33, *part*.

Requisition to be filed and receipt given

106. Upon every such deposit, the person making the deposit shall deliver to the registrar in duplicate a requisition in the prescribed form which shall be firmly attached to any number of documents not exceeding ten, and the registrar shall sign a receipt upon the duplicate for the documents therein mentioned, and shall deliver the receipt to the person making the deposit. 1964, c. 102, s. 33, *part*.

Numbering, etc.

107.—(1) Upon receiving the requisition under section 106 and the documents therein mentioned, the registrar shall cause the word “deposited” with the date and deposit number to be endorsed on the requisition.

Idem

(2) Deposits shall be numbered consecutively in order of time of receipt, in accordance with subsections 1 and 5 of section 45, as though they were instruments or a separate class of instruments. 1966, c. 136, s. 51 (1).

Names to be entered in alphabetical index

(3) Subject to the regulations, the registrar shall also enter in an alphabetical index, to be called the “Alphabetical Deposit Index”, the number of the deposit and the name of every party to the document, or to the action, suit or proceeding to which the document relates, or, if the document is a certificate or an affidavit or a statutory declaration or other proof as to the birth, baptism, marriage, divorce, death or burial of any person, the name of such person. 1964, c. 102, s. 33, *part*.

Entry in abstract index

(4) Where a deposit refers to a lot or parcel of land, the registrar shall enter in red ink in the abstract index against each such lot or parcel the words “See Deposit No.”, and, where the deposit refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot. 1964, c. 102, s. 33, *part*; 1966, c. 136, s. 51 (2).

Recording

(5) The registrar shall record every document other than a plan of survey deposited under this Part at full length by means of photographic film reproduction. 1966, c. 136, s. 51 (3); 1968-69, c. 109, s. 16.

(6) The provisions of Part I applying to property in or custody of instruments apply to documents deposited under this Part or under *The Custody of Documents Act*, being chapter 85 of the Revised Statutes of Ontario, 1960, or any predecessor thereof. 1964, c. 102, s. 33, *part*.

Custody of deposits

108. Sections 16 and 17 apply to a document deposited under this Part. 1964, c. 102, s. 33, *part*.

Sections 16 and 17 apply to deposits

109.—(1) The deposit of a document under this Part shall be deemed a sufficient compliance with, and fulfilment of, any covenant or agreement entered into by any person to produce or allow the inspection of, or the making of, any copy of or extract from the document, and absolves any person liable for the production or custody thereof from any further liability in respect of such custody or production.

Deposit relieves from liability

(2) An executor, administrator or trustee may reimburse himself out of the estate for any expense that he incurs in or about depositing any document that came into his possession or control as such executor, administrator or trustee. 1964, c. 102, s. 33, *part*.

Expenses of executors, etc.

PART III

INVESTIGATION OF TITLES

110. In this Part,

Interpretation

- (a) “claim” means a right, title, interest, claim or demand of any kind or nature whatsoever affecting land set forth in, based upon or arising out of a registered instrument, and, without limiting the generality of the foregoing, includes mortgages, liens, easements, agreements, contracts, options, charges, annuities, leases, dower rights whether inchoate or otherwise, and restrictions as to the use of land or other encumbrances affecting land;
- (b) “owner” means a person, other than a lessee or a mortgagee, entitled to a freehold or other estate or interest in land at law or in equity, in possession, in futurity or in expectancy. 1966, c. 136, s. 52, *part*.

111. A person dealing with land shall not be required to show that he is lawfully entitled to the land as owner thereof through a good and sufficient chain of title during a period greater than the forty years immediately preceding the date of such dealing, except in respect of claims referred to in subsection 2 of section 112. 1966, c. 136, s. 52, *part*.

Title shown for 40 years

Expiry of
claims

112.—(1) A claim that has been in existence for longer than forty years does not affect land to which this Act applies unless the claim has been acknowledged or specifically referred to or contained in an instrument or a notice under this Part or under *The Investigation of Titles Act*, being chapter 193 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, registered against the land within the forty-year period. 1966, c. 136, s. 52, *part*.

Exceptions

(2) Subsection 1 does not apply to,

- (a) a claim of the Crown reserved by letters patent or a claim of the Crown in unpatented land or in land for which letters patent have been issued, but which has reverted to the Crown by forfeiture or cancellation of the letters patent, or in land that has otherwise reverted to the status of unpatented Crown land;
- (b) a claim of the Crown or of a municipality in respect of any public highway or lane;
- (c) a claim of a corporation authorized to construct or operate a railway, including a street railway or incline railway, in respect of lands acquired by the corporation after the 1st day of July, 1930, and,
 - (i) owned or used for the purposes of a right-of-way for railway lines, or
 - (ii) abutting such right-of-way;
- (d) a wife's claim to an inchoate right to dower in land while her husband is wholly or in part the owner thereof;
- (e) a claim to an unregistered right-of-way or other easement or right that a person is openly enjoying and using;
- (f) a claim to a freehold estate in land or an equity of redemption therein by a person shown by the abstract index for the land as being so entitled prior to any forty-year period and continuously shown by the abstract index for the land during the forty-year period and thereafter as being so entitled; or
- (g) any claim imposed by a statutory enactment. 1966, c. 136, s. 52, *part*; 1968-69, c. 109, s. 17; 1970, c. 40, s. 30.

Idem

(3) For the purposes of subsection 1,

- (a) a wife's claim to an inchoate right to dower in land shall be deemed to be acknowledged in an instrument by which her husband alienates the land; and
- (b) an instrument, the entry of which has been marked off the abstract index under section 65, shall be deemed not to have been registered. 1966, c. 136, s. 52, *part*.

113.—(1) Subject to subsection 6 of section 22, a person having a claim against land that is not barred under section 112 or a person on his behalf may register in the proper registry office a notice, which shall set forth the claimant's full name and address, a local description of the land and a detailed statement of the claim verified by the affidavit of the person registering the notice. 1966, c. 136, s. 52, *part*; 1968-69, c. 109, s. 18.

Registration
of notice
of claim

(2) Notwithstanding subsection 1 of section 112 and subsection 1 of this section, a notice of a claim that has expired by virtue of the operation of subsection 1 of section 112 may be registered under subsection 1 of this section if there has been no intermediate registered dealing with the land, and such registration has the same effect as if done within the time limited by subsection 1 of section 112.

Idem

(3) The registration of a notice under subsection 1 does not validate a claim that has otherwise expired. 1966, c. 136, s. 52, *part*.

Registration
not to
validate
expired
claim

114. Where there is any conflict between the provisions of this Part and those of Part I or Part II or of any other Act or any regulation made thereunder or any rule of law, the provisions of this Part prevail. 1966, c. 136, s. 52, *part*; 1968-69, c. 109, s. 19.

Part
to prevail
over other
provisions

CHAPTER 410

The Regulations Act

1. In this Act,

Interpre-
tation

- (a) “file” means file in the manner prescribed in section 2;
- (b) “Minister” means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (c) “Registrar” means the Registrar of Regulations;
- (d) “regulation” means a regulation, rule, order or by-law of a legislative nature made or approved under an Act of the Legislature by the Lieutenant Governor in Council, a minister of the Crown, an official of the government or a board or commission all the members of which are appointed by the Lieutenant Governor in Council, but does not include,
 - (i) a by-law of a municipality or local board as defined in *The Department of Municipal Affairs Act*, R.S.O. 1970, c. 118
 - (ii) a regulation made under *The Broker-Dealers Act*, 1947, *The Teaching Profession Act*, section 78 of *The Cemeteries Act* or by an authority under section 22 of *The Conservation Authorities Act*, or a by-law of a hospital made under *The Public Hospitals Act*, or the constitution and by-laws of an association made under *The Agricultural Associations Act*, 1947, c. 8;
R.S.O. 1970, cc. 456, 57,
78, 378, 8
 - (iii) an order of the Ontario Municipal Board, other than an order prescribing the rules governing proceedings before the Board,
 - (iv) an order, direction or designation of the Lieutenant Governor in Council under section 5, 26, 37, 38, 39, 41 or 63 of *The Highway Improvement Act*, or a designation by the Minister of Highways under section 40 or 85 of that Act, R.S.O. 1970, c. 201
 - (v) a schedule of classifications for civil servants, including qualifications, duties and salaries, prescribed under *The Public Service Act*, or R.S.O. 1970, c. 386
 - (vi) an order, approval, regulation, prescription, direction or instruction of the Minister of Municipal Affairs or the Department of Municipal Affairs that the Minister or the Department is empowered to give or make under *The Municipal Act* or under R.S.O. 1970, c. 284

R.S.O. 1970,
c. 118

The Department of Municipal Affairs Act, except clause *b* of section 12 thereof. R.S.O. 1960, c. 349, s. 1; 1960-61, c. 87, s. 1; 1961-62, c. 125, s. 1.

Filing
required

2.—(1) Every regulation shall be filed in duplicate with the Registrar together with a certificate in duplicate of its making signed by the authority making it or a responsible officer thereof and, where approval is required, with a certificate of approval in duplicate signed by the authority so approving or by a responsible officer thereof, except that in the case of a regulation made by a minister that does not require approval, no certificate is required.

Copy from
Executive
Council

(2) Where a regulation is made or approved by the Lieutenant Governor in Council, the filing with the Registrar of two copies of it certified to be true copies by the Clerk of the Executive Council shall be deemed to be compliance with subsection 1. R.S.O. 1960, c. 349, s. 2.

Commence-
ment

3. Unless otherwise stated in it, a regulation comes into force and has effect on and after the day upon which it is filed. R.S.O. 1960, c. 349, s. 3.

Failure
to file

4. Except where otherwise provided, a regulation that is not filed has no effect. R.S.O. 1960, c. 349, s. 4.

Publication

5.—(1) Every regulation shall be published in *The Ontario Gazette* within one month of its filing.

Extension
of time for
publication

(2) The Minister may at any time by order extend the time for publication of a regulation and the order shall be published with the regulation.

Effect of
non-publi-
cation

(3) A regulation that is not published is not effective against a person who has not had actual notice of it.

Effect of
publication

(4) Publication of a regulation,

- (a) is *prima facie* proof of its text and of its making, its approval where required, and its filing; and
- (b) shall be deemed to be notice of its contents to every person subject to it or affected by it,

and judicial notice shall be taken of it, of its contents and of its publication. R.S.O. 1960, c. 349, s. 5.

Powers of
Minister

6. The Minister may,

- (a) determine whether a regulation, rule, order or by-law is a regulation within the meaning of this Act and his decision is final;
- (b) determine who shall be deemed responsible officers within the meaning of section 2; and

- (c) determine any matter that may arise in connection with the administration of this Act. R.S.O. 1960, c. 349, s. 6.

7.—(1) There shall be a Registrar of Regulations appointed by the Lieutenant Governor in Council who,

- (a) is responsible for the numbering and indexing of all regulations filed in his office and for their publication; and
- (b) shall exercise such powers and perform such duties as are vested in or imposed upon him by this Act, the regulations made hereunder, or the Minister.

(2) The Registrar may issue a certificate as to the filing of a regulation and every such certificate is *prima facie* proof of the facts stated in it without any proof of appointment or signature.

(3) Where a map or plan,

- (a) forms part of a regulation for the purpose of illustrating a description of land; and
- (b) is identified in the regulation by a number given to it by the Registrar,

and the regulation states that the map or plan is filed in the office of the Registrar, he may in his discretion file the map or plan in his office in numerical order and no publication of the map or plan is necessary. R.S.O. 1960, c. 349, s. 7.

8. Regulations shall be numbered in the order in which they are filed, and a new series shall be commenced each year. R.S.O. 1960, c. 349, s. 8.

9. A regulation may be cited or referred to as “Ontario Regulation” or “O. Reg.” followed by its filing number, a virgule and the last two figures of the year of its filing. R.S.O. 1960, c. 349, s. 9.

10.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the powers and duties of the Registrar;
- (b) prescribing the form, arrangement and scheme of regulations;
- (c) prescribing a system of indexing;
- (d) providing for the preparation and publication of a consolidation or codification of regulations that have been filed, and for the preparation and publication of supplements thereto;

- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Consolidation,
codification

(2) Publication of a regulation in a consolidation or codification or supplement thereto mentioned in clause *d* of subsection 1 shall be deemed publication within the meaning of this Act. R.S.O. 1960, c. 349, s. 10.

Defects not
corrected

11. The filing or publication of a regulation under this Act does not have the effect of validating or correcting any such regulation that is otherwise invalid or defective in any respect or for any reason. R.S.O. 1960, c. 349, s. 11.

Standing
Committee
on
Regulations

12.—(1) At the commencement of each session of the Legislature a standing committee of the Assembly shall be appointed, to be known as the Standing Committee on Regulations, with authority to sit during the session.

Regulations
referred

(2) Every regulation stands permanently referred to the Standing Committee on Regulations for the purposes of subsection 3.

Terms of
reference

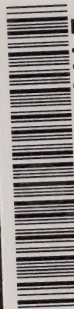
(3) The Standing Committee on Regulations shall examine the regulations with particular reference to the scope and method of the exercise of delegated legislative power but without reference to the merits of the policy or objectives to be effected by the regulations or enabling statutes, and shall deal with such other matters as are referred to it from time to time by the Assembly.

Authority
to call
persons

(4) The Standing Committee on Regulations may examine any member of the Executive Council or any public servant designated by any such member respecting any regulation made under an Act that is under his administration.

Report

(5) The Standing Committee on Regulations shall, from time to time, report to the Assembly its observations, opinions and recommendations. 1968-69, c. 110, s. 1.



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